S. 1568

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1568, a bill to enhance the ability of community banks to foster economic growth and serve their communities, and for other purposes.

S. 1841

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1841, a bill to amend title XVIII of the Social Security Act to provide extended and additional protection to Medicare beneficiaries who enroll for the Medicare prescription drug benefit during 2006.

S. 2076

At the request of Mr. LEAHY, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2076, a bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers.

S. 2083

At the request of Mrs. CLINTON, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2083, a bill to prohibit the Assistant Secretary of Homeland Security (Transportation Security Administration) from removing any item from the current list of items prohibited from being carried aboard a passenger aircraft.

S. 2088

At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2088, a bill to assist low-income families, displaced from their residences in the States of Alabama, Louisiana, and Mississippi as a result of Hurricane Katrina, by establishing within the Department of Housing and Urban Development a homesteading initiative that offers displaced low-income families the opportunity to purchase a home owned by the Federal Government, and for other purposes.

S. 2109

At the request of Mr. ENSIGN, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Dakota (Mr. THUNE) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2109, a bill to provide national innovation initiative.

S. 2134

At the request of Mr. SMITH, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2134, a bill to strengthen existing programs to assist manufacturing innovation and education, to expand outreach programs for small and medium-sized manufacturers, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2145

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2145, a bill to enhance security and protect against terrorist attacks at chemical facilities.

S. 2154

At the request of Mr. OBAMA, the names of the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. RES. 253

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. Res. 253, a resolution designating October 7, 2005, as ''National 'It's Academic' Television Quiz Show Day''.

S. RES. 340

At the request of Ms. LANDRIEU, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. Res. 340, a resolution expressing the sense of the Senate that lenders holding mortgages on homes in communities of Louisiana devastated by Hurricanes Katrina and Rita should extend current mortgage payment forbearance periods and not foreclose on properties in those communities until such time that Congress can consider legislation to provide relief to those homeowners.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2156. A bill to designate the facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, as the ''Robert T. Ferguson Post Office Building.''; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROBERT T. FERGUSON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 332 South Main Street in Flora, Illinois, shall be known and designated as the ''Robert T. Ferguson Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Robert T. Ferguson Post Office Building''.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the U.S. Post Office at 332 South Main Street in Flora, Illinois as the ''Robert T. Ferguson Post Office Building''.

Mr. Ferguson was a distinguished public servant who began his postal career at the Harvey, Illinois Post Office, where he worked as a city carrier from 1954 to 1957. He then moved to the Flora, Illinois Post Office where he worked his way up from clerk/carrier to Assistant Postmaster to Postmaster in 1986. During the final three years of his career before he retired in 1988, Robert Ferguson served as Postmaster in Collinsville, Illinois.

In recognition of his hard work and dedication, Mr. Ferguson received five Outstanding Superior Accomplishment Awards and qualified as a Postmaster Trainer on October 1, 1976. He worked tirelessly on behalf of postal workers and traveled throughout Southern Illinois training newly appointed Postmasters. He was well liked by his colleagues who knew they had a leader they could trust.

In addition to his active professional life, Robert Ferguson found time to serve his community. As President of the Clay County Shrine Club in 1992, he organized events to raise thousands of dollars for the Shriner's Hospital for Children. In 1996, he raised money to assist a local family after a storm destroyed their mobile home. In 2002, Mr. Ferguson created a Hospital Directory for Southern Illinois, which aid local citizens by providing phone numbers and addresses of local hospitals.

In 1996, the Flora Chamber of Commerce named Robert Ferguson the ''Outstanding Citizen of Flora''.

Mr. President, post offices are often designated in honor of individuals who have made valuable contributions to their community, State, and country. I can think of no more fitting way to permanently and publicly recognize Robert Ferguson's work than to name the Flora, Illinois post office in his honor. It would be a most appropriate way to commemorate his exemplary service to the Flora community and to postal workers and patrons throughout Southern Illinois.

By Mrs. BOXER:

S. 2157. A bill to amend title 10, United States Code, to provide for the Purple Heart to be awarded to prisoners of war who die in captivity under circumstances not otherwise establishing eligibility for the Purple Heart; to the Committee on Armed Services.

Mrs. BOXER. Mr. President, I am pleased to introduce legislation today to provide for the Purple Heart to be awarded to all prisoners of war who die in captivity, regardless of the cause of death. The ''Honor Our Fallen Prisoners of War Act'' was previously introduced by Representative BOB FILNER in the House of Representatives. I am proud to join him in this effort.

The ''Honor Our Fallen Prisoners of War Act'' would make members of the Armed Forces who die in captivity of any circumstance eligible for the Purple Heart. Currently, only prisoners of war who die during their imprisonment of wounds inflicted by an instrument of war are eligible for posthumous Purple Heart recognition. Those who die of starvation, disease, abuse, or other causes during captivity are not.

I believe this is an injustice to the thousands of POWs who paid the ultimate price in service to our Nation. The purpose of the Purple Heart is to honor those who are killed or wounded in action as the result of an act of an enemy of the United States. It makes no sense that prisoner of war camps—where thousands of Americans have been held against their will and have endured great suffering at the hands of enemy forces—are not considered a battlefield.

The legislation is retro-active to December 7, 1941 and would therefore include all POWs who have died in captivity since World War II.

The ''Honor Our Fallen Prisoners of War Act'' has been endorsed by the Tiger Survivors, Veterans of Foreign Wars, Military Order of the Purple Heart, Korean War Veterans Association, National League of POW/MIA Families, and a number of other prominent veterans organizations.

I urge my colleagues to support this important legislation.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 2158. A bill to establish a National Homeland Security Academy within the Department of Homeland Security; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I am pleased to introduce today the National Homeland Security Academy Act of 2005. I am delighted that Chairman COLLINS has joined me in sponsoring this legislation.

Shortly after the Homeland Security Department was formed in 2003, I laid out my vision for what the country needed to do to protect against another terrorist attack, or major natural disaster, in a speech at George Washington University. Among the areas I identified as in need of additional work was the training of those who agreed to commit themselves to the protection of Americans here at home. At the time, I said we needed to make sure homeland security professionals were given the full range of skills necessary to make this country as safe as it should be and I proposed a National Homeland Security Academy to educate and train the best and brightest of our future leaders.

The bill Senator COLLINS and I are introducing today, the National Homeland Security Academy Act of 2005, is the fulfillment of that idea.

It was clear to me as I was working to create a Department of Homeland Security that we would need to find a way to make sure Department professionals, as well as the State and local officials with whom they work, understand the full scope and range of responsibilities entrusted to the Department—not just the details of their own particular jobs. This academy would accomplish that. It would cultivate leaders, teach the full range of skills necessary for robust homeland security, and provide cross-disciplinary and joint education and training to government officials at the Federal, State and local levels so that they can develop the bonds and relationships that will make their work more efficient and effective.

The National Homeland Security Academy Act of 2005 is the product of my work with the Chairman of the Homeland Security and Governmental Affairs Committee, Senator COLLINS, as well as homeland security experts, scholars, and education and professional development experts. Together, we have refined the concept of homeland security education and training to meet the Department's needs today and into the future.

The academy I envision would be a professional development institution, much like the War College created by the Department of Defense to provide its leaders with a deep and thorough understanding of military and defense matters. The National Homeland Security Academy would ensure that new and mid-level executive employees at the Department of Homeland Security—as well as other Federal, State, and local leaders with homeland security responsibilities—have a thorough understanding of the strategic missions of the Department, as well access to hands-on training exercises, and real-time simulation.

Four months ago, Hurricane Katrina reminded us in no uncertain terms that our homeland security workers at all levels still have much to learn. How and when to share critical information? What does it mean to activate the National Response Plan? Who is responsible for which emergency response mission? These are the types of questions we on the Homeland Security and Governmental Affairs Committee have been hearing as we investigate why the preparedness for and response to the hurricane was so lacking. The National Homeland Security Academy would provide answers to these and many more questions and ensure homeland security officials are better equipped to respond to the next disaster.

The centerpiece of the Academy would be the National Homeland Security Education and Strategy Center, where Federal homeland security officials would receive initial and continuing homeland security education. The Academy would also incorporate the Center for Homeland Defense and Security run by the Naval Postgraduate School at the Direction of the Office of State and Local Government Coordination and Preparedness. In addition, the bill establishes a National Homeland Security Education Network comprised of the academies and training centers within the jurisdiction of DHS—like the Federal Law Enforcement Training Center—as well as a communications network capable of providing distance learning opportunities.

It also creates a new State and Local Education and Training Coordinator within the Office of State and Local Government Coordination and Preparedness to address one of the most frequent criticisms local first responders have with the Department of Homeland Security, and that is the fact that many people in the Department seem to be unaware of or unwilling to make use of excellent state and local education and training programs. A liaison officer would rectify that.

This bill does not change the system for first responder training. Local first responders will continue to work with the Office of State and Local Government Coordination and Preparedness to ensure they have the necessary training to deal with the situations they face everyday. But we believe that bringing people together from all levels of government to study homeland security issues from different perspectives would be healthy. And we do think that homeland security will benefit overall from the relationships that would inevitably form between officials at every level and from every corner of the country.

The National Homeland Security Act of 2005 addresses a deficiency in the education and training of our homeland security professionals by helping to foster connected, experienced, and knowledgeable homeland security leaders who will be able to provide the best possible protection for the American people. I look forward to working with Chairman COLLINS in the next session to mark up this bill and make it law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Homeland Security Academy Act of 2005''.

SEC. 2. FINDINGS.

Congress finds that—

(1) homeland security poses a complex challenge for the Nation that can only be successfully addressed by the combined effort of Federal, State, and local governments and the private sector;

(2) the United States fields a dedicated workforce to provide homeland security, but lacks a coordinated homeland security education system that links a strategy-based education with hands on training and real time simulation, and fails to make such a system available to the appropriate government and private sector personnel on a wide scale;

(3) officials at all levels of government should understand the strategic mission of the Department of Homeland Security, and have access to continuing education and hands-on training exercises;

(4) the development of a program of professional education and training that links strategy and training, and coordinates current training among the many academies and training facilities that fall under the jurisdiction of the Department of Homeland Security, is essential to meeting the goals and intent of the Homeland Security Act of 2002;

(5) lessons learned from the Department of Homeland Security's Top Official Exercises (TOPOFF), and the tragedy of Hurricane Katrina, demonstrate there is a need to build up institutional knowledge within the Department and cultivate leaders capable of guiding the Department and the Nation when catastrophic incidents occur;

(6) modern information technologies provide uniquely powerful tools for ensuring that material is presented in a way that facilitates rapid and effective learning for a diverse student body, material being taught is continuously upgraded and reviewed, and training is available anytime and anywhere it is needed; and

(7) as the Homeland Security Act of 2002 brought together a number of Federal agencies with specific and often nonrelated functions to form a single department, the National Homeland Security Academy will draw upon the expertise of a variety of existing academic institutions and innovative programs to educate our homeland security workforce.

SEC. 3. ESTABLISHMENT OF NATIONAL HOMELAND SECURITY ACADEMY.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding after section 801 the following:

"SEC. 802. NATIONAL HOMELAND SECURITY ACADEMY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary—

''(A) shall establish the National Homeland Security Academy (referred to in this section as the 'Academy') within the Office of State and Local Government Coordination and Preparedness of the Department; and

''(B) may enter into cooperative agreements with other agencies or entities to utilize space and provide for the lease of real property for the Academy or any component of the Academy.

''(2) COMPOSITION.—The Academy shall consist of—

''(A) the National Homeland Security Education and Strategy Center (referred to in this section as the 'Strategy Center') to provide fundamental instruction and develop a homeland security curriculum focusing primarily on the Federal Government's overall strategy, goals, methods, and techniques;

''(B) a communications network capable of delivering distance learning opportunities, at the direction of the Strategy Center;

''(C) the programs of the Office of State and Local Government Coordination and Preparedness' Center for Homeland Defense and Security located at the Naval Postgraduate School, and such programs shall be incorporated into the Academy in a manner to be determined by the Secretary; and

''(D) the National Homeland Security Education Network, which—

''(i) shall be composed of representatives from all of the academies and training centers within the jurisdiction of the Department;

''(ii) shall work with the Academy to develop a standardized homeland security curriculum to be incorporated, as appropriate, at each academy and training center to ensure that the focus of the individual centers is coordinated with the centralized educational strategies and goals of the Academy; and

''(iii) shall not affect the respective missions and goals of the participating academies and training centers.

''(3) MISSION.—The mission of the Academy shall be to—

''(A) establish an educational system to—

''(i) cultivate leaders in homeland security; and

''(ii) ensure that Federal, State, local, tribal, and private sector officials get the full range of skills needed to provide robust homeland security;

''(B) provide strategic education and training to carry out the missions of the Department of Homeland Security;

''(C) provide cross-disciplinary and joint education and training to Federal, State, and local government officials responsible for the direct application and execution of vital homeland security missions; and

''(D) focus primarily on shorter-term classes and exercises to maximize participation by the homeland security community.

''(4) ENROLLMENT TARGET.—

''(A) IN GENERAL.—The Strategy Center shall have an initial annual enrollment target of 1,000 resident students, as described in subsection (b)(3)(A).

''(B) NON-RESIDENT STUDENTS.—The enrollment target under subparagraph (A) does not include non-resident students, including students who participate in electronic learning systems.

''(5) RESPONSIBILITIES.—

''(A) IN GENERAL.—In addition to providing traditional course work and hands-on training exercises, the Academy shall encourage the development and use of modern technology to ensure that the training offered at the Academy, and to organizations and individuals receiving instruction over electronic learning systems—

''(i) is tailored to the unique needs of the individuals and groups that need training;

''(ii) efficiently uses such technology; and

''(iii) translates directly into practical skills.

''(B) INSTRUCTIONAL MATERIALS.—The Academy shall develop instructional requirements for courses related to its mission that are supported with materials that are adequately reviewed and continuously updated.

''(C) CERTIFICATION.—

''(i) IN GENERAL.—The Academy may establish certification criteria for students in areas related to its mission, in consultation with the Network established under subsection (e).

''(ii) RECERTIFICATION.—The criteria established under clause (i) shall include requirements for recertification and ensure the availability of needed assessment tools.

''(D) INFORMATION REPOSITORY.—The Academy shall provide a repository of approved instructional materials, instructional software, and other materials that are easily accessible by participants.

''(E) COMMUNICATION NETWORKS.—The Academy shall certify, and operate, if necessary, a secure, reliable communication system capable of delivering instructional materials to participants at any time and place.

''(F) INSTRUCTION AND EXPERTISE.—The Academy shall certify instructors, experts, counselors, and other individuals who can provide answers and advice to students over communication systems.

''(6) STRATEGY CENTER.—

''(A) RESPONSIBILITIES.—The Strategy Center shall—

''(i) provide curriculum development and classroom instruction for resident students that focus on the strategic goals, methods, and techniques for homeland security;

''(ii) provide instruction—

''(I) primarily to Federal employees described under subsection (b)(3)(A) with homeland security responsibilities; and

''(II) to small numbers of State and local government officials and private individuals; and

''(iii) direct the operation of the Academy's electronic learning systems.

''(B) CURRICULUM.—The curriculum taught at the Strategy Center shall—

''(i) include basic education about homeland security, the Department, and the relationship of the directorates within the Department;

''(ii) include the relationship between the Department and other Federal, State, and local agencies with homeland security responsibilities; and

''(iii) be developed with assistance from the National Homeland Security Education Network.

''(b) ADMINISTRATION.—

''(1) EXECUTIVE DIRECTOR.—The Secretary shall appoint an Executive Director for the Academy, who shall—

''(A) administer the operations of the Academy;

''(B) establish an Academic Board, to be headed by the Dean of the Academic Board, appointed under paragraph (2);

''(C) hire initial staff and faculty, as appropriate and necessary;

''(D) contract with practitioners and experts, as appropriate, to supplement academic instruction;

''(E) make recommendations to the Secretary regarding long-term staffing and funding levels for the Academy; and

''(F) report to the Executive Director of the Office of State and Local Government Coordination and Preparedness.

''(2) DEAN OF THE ACADEMIC BOARD.—The Executive Director shall appoint, with the approval of the Secretary, a permanent professor to serve as Dean of the Academic Board and perform such duties as the Executive Director may prescribe.

''(3) DIRECTOR OF ADMISSIONS.—The Executive Director shall appoint, with the approval of the Secretary, a Director of Admissions, who shall—

''(A) grant admission to the Strategy Center to—

''(i) new employees of the Department, who have clear homeland security responsibilities;

''(ii) mid-level executive employees of the Department, including employees that receive academy or other training, who demonstrate a need for cross-disciplinary or advanced education and training and have been endorsed by the appropriate Under Secretary;

''(iii) other Federal employees with homeland security responsibilities who have been endorsed by the head of their agency;

''(iv) State and local employees who—

''(I) demonstrate a clear responsibility for providing homeland security; and

''(II) possess the nomination of the Governor of their State, or Head of applicable jurisdiction; and

''(v) private sector applicants who demonstrate a clear responsibility for providing homeland security;

''(B) ensure that students from each level of government and the private sector are included in all programs and classes, whenever appropriate; and

''(C) perform such duties as the Executive Director may prescribe.

''(c) BOARD OF VISITORS.—

''(1) ESTABLISHMENT.—Before the Academy admits any students, the Secretary shall establish a Board of Visitors (in this section referred to as the 'Board') to—

''(A) assist in the development of curriculum and programs at the Academy; and

''(B) recommend the site for the location of the Strategy Center.

''(2) MEMBERSHIP.—

''(A) COMPOSITION.—The Board will be composed of—

''(i) the Secretary, or designee, who shall serve as chair;

''(ii) the Executive Director of the Academy, or designee, who shall be a nonvoting member;

''(iii) the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate, or designee;

''(iv) the Ranking Member of the Committee on Homeland Security and Governmental Affairs of the Senate, or designee;

''(v) the Chairman of the Committee on Homeland Security of the House of Representatives, or designee;

''(vi) the Ranking Member of the Committee on Homeland Security of the House of Representatives, or designee;

''(vii) the Secretary of Health and Human Services, or designee;

''(viii) the Secretary of Defense, or designee;

''(ix) the Secretary of Education, or designee;

''(x) the Secretary of Transportation, or designee;

''(xi) the Director of the Federal Bureau of Investigation, or designee;

''(xii) 4 persons, who shall be appointed by the Secretary for 2-year terms to represent State and local governments; and

''(xiii) 4 persons, who shall be appointed by the Secretary for 2-year terms to represent first responders.

''(B) PROHIBITION.—Any person described under subparagraph (A), whose membership on the Board would create a conflict of interest, shall not serve as a member of the Board.

''(C) VACANCIES.—If a member of the Board dies or resigns from office, the official who designated the member shall designate a successor for the unexpired portion of the term.

''(3) DUTIES.—

''(A) ACADEMY VISITS.—The Board shall visit the Academy not less than annually, and may, with the approval of the Secretary, make other visits to the Academy in connection with the duties of the Board or to consult with the Executive Director of the Academy.

''(B) INQUIRIES.—The Board shall inquire into the curriculum, instruction, physical equipment, fiscal affairs, academic methods, student body composition, and other matters relating to the Academy that the Board decides to consider.

''(C) REPORTS.—

''(i) ANNUAL REPORT.—Not later than 60 days after each annual visit, the Board shall submit a written report to the Secretary, which describes its action, and of its views and recommendations pertaining to the Academy.

''(ii) ADDITIONAL REPORTS.—Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the Secretary not later than 60 days after the approval.

''(4) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

''(d) REPORTS TO CONGRESS.—

''(1) CURRICULUM AND ATTENDANCE.—The Secretary shall submit an annual report that describes the curriculum of, and enrollment at, the Academy to—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

''(B) the Committee on Homeland Security of the House of Representatives.

''(2) FEASIBILITY REPORT.—Not later than 1 year after the establishment of the Academy, the Secretary shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

''(A) recommends an appropriate combination of students from Federal, State, and local government and the private sector, and the percentage of costs related to the education of each of these student groups that should be reimbursable;

''(B) describes the feasibility of expanding the Academy in regional offices established by the Department or other government or university programs to provide ongoing education and training for Federal employees with homeland security responsibilities; and

''(C) describes the feasibility of providing education for the general public through electronic learning systems.

''(e) NATIONAL HOMELAND SECURITY EDUCATION NETWORK.—

''(1) ESTABLISHMENT.—The Executive Director of the Academy shall establish a National Homeland Security Education Network (referred to in this section as the 'Network'), as described under subsection (a)(2)(B).

''(2) MEMBERSHIP.—The Network shall be comprised of representatives from Federal training and certification organizations, including—

''(A) the National Homeland Security Academy;

''(B) the Office of Domestic Preparedness;

''(C) the National Domestic Preparedness Consortium;

''(D) the Center for Homeland Defense and Security at the Naval Postgraduate School;

''(E) the Federal Law Enforcement Training Center, including all schools or training and education programs managed or co-located with the Center;

''(F) the Customs and Border Protection Academy;

''(G) the Border Patrol Academy;

''(H) the Bureau of Immigration and Customs Enforcement Academy;

''(I) the Secret Service Academy;

''(J) the United States Coast Guard Academy, including all schools within the jurisdiction of the Coast Guard Academy;

''(K) the Emergency Management Institute;

''(L) the Animal and Plant Health Inspection Service Training Program;

''(M) the Federal Air Marshal Training Center;

''(N) the National Fire Academy; and

''(O) other relevant training facilities within the Department.

''(3) CURRICULUM REQUIREMENTS.—The curriculum and course work developed as part of the Network shall be incorporated into the curriculum of the institutions listed under paragraph (2), as appropriate, to ensure that students at these institutions understand how their homeland security responsibilities relate to other homeland security responsibilities in the Department and other Federal, State, and local agencies. The training centers and academies listed under paragraph (2) shall retain their respective missions and goals.

''(4) SEMI-ANNUAL MEETINGS.—The Executive Director and the Dean of the Academic Board shall meet with the Network not less than once every 6 months to—

''(A) discuss curriculum requirements; and

''(B) coordinate training activities within the Network.

''(5) REPORTS.—Not later than 2 years after the date of enactment of this section, and every 2 years thereafter, the Network shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, which describes the Network's—

''(A) strategy for using advanced instructional technologies;

''(B) plans for future improvement; and

''(C) success in working with other organizations in achieving the goals described under subparagraphs (A) and (B).''.

(b) TECHNICAL AMENDMENT.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 801 the following:

''Sec. 802. National Homeland Security Academy.''.

SEC. 4. STATE AND LOCAL EDUCATION AND TRAINING COORDINATOR.

The Secretary of Homeland Security shall appoint a State and Local Education and Training Coordinator to serve in the Office of State and Local Government Coordination and Preparedness, who shall—

(1) serve as the primary point of contact between Federal, State, and local training facilities, the National Homeland Security Academy, and the Office of State and Local Government Coordination and Preparedness, in order to—

(A) maximize the ability of the Academy to identify non-Academy programs that meet specific training goals and are crucial to the Nation's homeland security mission; and

(B) assist the Academy and the Office of State and Local Government Coordination and Preparedness in determining where to direct Federal training funds; and

(2) at least semiannually, conduct meetings with a coalition of State and local education and training facilities to—

(A) allow State and local fire, rescue, and law enforcement training facilities to provide input on decisions made concerning the training of first responders; and

(B) increase curriculum coordination between the Academy and Federal, State, and local facilities.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the amendment made by section 3 such sums as may be necessary for each of the fiscal years 2006 through 2009.

Mrs. BOXER. Mr. President, each year Congress appropriates millions of dollars to institutions of higher learning that serve minority students. Currently, funds go to historically Black colleges and universities, Hispanic-serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian–serving institutions. These funds—which exceeded $890 million in fiscal year 2005—

help institutions provide more higher education opportunities for low-income minority students.

For schools that serve a large number of low-income Asian Americans and Pacific Islanders, however, Federal assistance is not available. A need is not being served.

Over 42 percent of Cambodian Americans, almost 35 percent of Laotian Americans and 25 percent of Vietnamese Americans live in poverty. And the graduation rates among these populations are low. Only 13.8 percent of Vietnamese Americans, 5.8 percent of Laotian Americans, 6.1 percent of Cambodian Americans, and 5.1 percent of Hmong have college degrees.

So, today, I am introducing the Asian Americans and Pacific Islanders Higher Education Enhancement Act. I am pleased to be joined in this effort by Senator AKAKA.

This legislation creates a new Federal grant program for institutions where Asian and Pacific Islander students make up at least 10 percent of the undergraduate student body. Priority will be given based on the number of low-income students.

The grants—authorized at $30 million in the first year, and such sums as necessary for the next 4 years—could be used for a variety of purposes, including outreach to secondary and elementary school students, curriculum development, tutoring, counseling, and student support services.

Mr. President, we need to make college accessible for low-income Asian American students as we do for with other minority students. This bill is an important step toward this goal.

By Mrs. BOXER (for herself and Mr. AKAKA):

S. 2160. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, as a member of the Congressional Asian Pacific American Caucus, the only Chinese American in the U.S. Senate, and sole native Hawaiian in the U.S. Congress, I thank my colleague from California, Senator BOXER, for introducing a bill to establish Asian American and Pacific Islander, AAPI, Serving Institutions which will improve the educational opportunities available to Asian Americans and Pacific Islanders throughout our Nation. I am proud to stand with her as a cosponsor of her bill. I also commend my colleagues, Congressmen DAVID WU and MIKE HONDA, in the other body for working to advance an AAPI Serving Institution bill.

This legislation would authorize the Department of Education to establish an Asian American and Pacific Islander Serving Institution designation under the Higher Education Act. A higher education institution with an AAPI undergraduate enrollment of at least 10 percent would be eligible for grants to address and improve the institution's capacity to serve the AAPI community. In the Higher Education Act, titles III and V were established to provide aid for colleges and universities to expand educational opportunities for historically under represented and financially disadvantaged students. However, we need a program specifically for Asian American and Pacific Islander Americans. This legislation would assist in providing AAPI students with the equal opportunity to pursue a quality education.

The AAPI community has made many significant contributions to our country, and is known as having the highest percentage of undergraduate and advanced degrees when compared to other racial or ethnic groups according to the College Board. However, as one of the most ethnically, culturally, and linguistically diverse groups in America, the success of the community as a whole masks the needs of its disparate groups who may not be doing so well. This is the ''model minority'' myth. In fact, serious challenges face Cambodian, Hmong, and Pacific Islander students, particularly in the acquisition of the English language.

The AAPI population is one of the fastest growing populations in this country, including nearly 12 million Asian Americans and 1 million Pacific Islanders. Census projections show the AAPI population more than doubling by 2050 and comprising about 9 percent of the total U.S. population. As a significant part of our society, AAPIs and their higher education needs should be better understood and addressed, and the establishment of AAPI Serving Institutions would be a major step in the right direction for this multifaceted population.

I urge my colleagues to join me in supporting Senator BOXER's legislation to enhance educational opportunities for Asian Americans and Pacific Islanders.

By Mr. INHOFE (for himself, Mr. DOMENICI, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. 2161. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I rise today to introduce The Small System Drinking Water Act of 2005 to assist water systems throughout the country comply with the numerous Federal drinking water standards. My bill will require the Federal Government to live up to its obligations and require the EPA to use all of the tools given the Agency in the 1996 Safe Drinking Water Act amendments (SDWA).

In Oklahoma we continue to have municipalities struggling with the arsenic rule. Further nearly 80 percent of our small systems, those serving less than 10,000 people, are not in compliance with the Disinfection Byproducts (DBP) Stage I rule. In EPA's most recent drinking water needs survey, Oklahoma identified $4.5 billion in infrastructure needs over the next 20 years. $40 million a year of that need is to meet Federal drinking water standards. This does not include costs imposed by Oklahoma communities to meet Federal clean water requirements.

The EPA on December 15th finalized the Disinfection Byproducts Stage II rule and the Long Term 2 Enhanced Surface Water Treatment Rule. The costs of complying with these two rules are not included in the $40 million a year need recently identified by the State. At current funding rates, the State receives $8.5 million dollars for its drinking water revolving loan fund.

My bill proposes a few simple steps to help systems comply with the rules. First, it reauthorizes the technical assistance program in the SDWA. The DBP Stage I rule is very complex and involves a lot of monitoring and testing. The other rules are equally complex in nature and many small systems simply do not have the expertise needed to implement them. If we are going to impose complicated requirements on systems, we need to provide them with help to implement those requirements. Therefore, my legislation also requires that each system receive the help it needs to come into compliance before an enforcement action can be taken.

The bill also creates a pilot program to demonstrate new technologies and approaches for systems of all sizes to comply with these complicated rules. It requires the EPA to convene a working group to examine the science behind the rules compared to new developments since their publication.

Section 1412(b)(4)(E) of the SDWA Amendments of 1996 authorizes the use of point of entry treatment, point of use treatment and package plants to economically meet the requirements of the Act. However, to date, these approaches are not widely used by small water systems. My legislation directs the EPA to convene a working group to identify barriers to the use of these approaches. The EPA will then use the recommendations of the working group to draft a model guidance document that states can use to create their own programs.

This legislation seeks to provide communities with more tools in order to comply with these Federal requirements while also requiring EPA to use the tools it has been provided, including the identification of variance technologies.

By Ms. SNOWE:

S. 2162. A bill to foster local development by facilitating the delivery of financial assistance to small businesses, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce the ''Local Development Business Loan Program Act of 2005.'' This bill will improve the Small Business Administration's (SBA) Certified Development Company Loan Program, also known as the ''504 Loan Program,'' by streamlining the lending process and providing small businesses with greater opportunities to obtain affordable financing. The 504 Loan Program provides small businesses with long-term, fixed-rate financing for real estate and machinery.

As Chair of the Senate Committee on Small Business and Entrepreneurship, one of my primary responsibilities is to ensure small businesses are afforded the best possible environment to grow and flourish. The fundamental purpose of the SBA is to maintain and strengthen the nation's economy by aiding, counseling, assisting, and protecting the interests of small business concerns. This bill would strengthen the SBA's ability to pursue those goals.

The legislation responds to one of the primary needs of small businesses: access to affordable capital. For many small businesses, expansion plans face constraints imposed by facilities that are too small, or equipment that has insufficient capacity or outdated features. These small businesses often lack capital to remedy these needs, and without the SBA they would be limited to obtaining short-term financing with higher, often variable, rates. As a result, the 504 loan program is a key element of these small businesses' eventual success, because the program provides long-term capital, at fixed rates, that allows businesses to obtain new facilities, expand existing facilities, and update their machinery.

In Fiscal Year 2004, the SBA's financing programs, combined, supported over $20 billion in loans and venture capital for small businesses. In the 504 program alone, small businesses obtained 8,357 loans in 2004. Through those loans the SBA guaranteed over $4 billion in financing. The SBA portion of each 504 program loan is only 40 percent of the total loan size. This program thus produced approximately $10 billion in financing for small businesses in 2004! That financing allowed small businesses to create or retain 140,000 jobs in 2004.

Although the 504 program is already assisting entrepreneurial small businesses throughout the nation, it can be improved. The program works by combining in each financing package provided to a small business a loan from a Certified Development Company (CDC) that is guaranteed by the SBA, this is 40 percent of the total package; a non-guaranteed loan provided by a private ''first-mortgage'' lender, 50 percent of the total package; and a 10 percent down-payment provided by the small business. This bill offers improvements to all three aspects of the program, to increase the program's efficiency and impact. If approved by the Congress and signed into law, this bill will increase the number of small businesses that can utilize the program to grow and succeed.

Job creation and retention is a bedrock element of local development efforts throughout the country. One of the statutory purposes of the 504 loan program is to create new jobs and to help small businesses retain existing jobs. This bill's purpose is to further strengthen the local development impact of the 504 loan program. To reflect that, the bill re-names the 504 loan program as the ''Local Development Business Loan Program'' (Local Development Program). This new name will also help borrowers to understand the intent of the program; many small business owners had commented to the Committee that the name ''504 program'' was neither clear nor indicative of the program's purposes. The bill will not require the SBA to waste money by discarding existing program materials that refer to the previous name; the SBA may continue to use those materials, but it will use the new name on any new materials produced after the bill's enactment.

If the Local Development Program continues to grow at its recent pace, it may exceed $6 billion in guaranteed loans during 2006. The bill would authorize a maximum program level of $8 billion in guaranteed loans in fiscal year 2007, and $8.5 billion for fiscal year 2008.

This legislation will also reduce regulatory barriers that have constrained CDCs from expanding their operations into new areas. By increasing competitive opportunities for CDCs, the bill seeks to increase the number and qualify of financing options available to small businesses. For instance, existing SBA regulations require CDCs to have a separate loan committee for each State and to account for all revenue and expenses separately for each state. Regulations of this type have made compliance both costly and difficult and have deterred many CDCs from expanding into new areas. Simplifying these regulations will result in increased access to capital for small business.

The bill allows borrowers to provide more than the required minimum amount of equity when initiating their loan, and to use the excess equity to reduce the amount of the first-lien mortgage made by a private lender in the program. By contributing a larger down-payment at the onset of the loan, this provision will provide an opportunity for these borrowers to reduce their periodic payment obligations.

This legislation would also designate Local Development Program loans that qualify under the New Markets Tax Credit Program as a public policy goal under the Local Development Program, and thus make them eligible for larger financing packages. The New Market Tax Credit Program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities.

The Act will also permit the ownership interest of two or more small business owners to be combined to determine whether the small business is 51 percent owned by minorities, women, or veterans in order to qualify as a business eligible for a public policy loan. The Act's goal of improving access to capital for small businesses is also furthered by another provision that permits Local Development Program borrowers to obtain financing in the maximum amount permitted under this program and also under the SBA's ''7(a) loan program.''

This legislation would also allow a borrower to refinance a limited amount of existing debt. The amount that could be refinanced could not exceed 50 percent of the expansion project funded by the loan, and would be limited to certain situations. By giving these small businesses the opportunity to refinance and obtain lower-cost capital, the bill would provide them a greater chance to succeed.

The bill would also eliminate a fee now imposed on the first mortgage lenders, private banks, in a Local Development Program financing package. The lender's fee is a one-time fee equal to 0.5 percent of the first mortgage loan. Currently, the first mortgage lenders pass this fee on to CDCs and to borrowers. The bill will not increase the total fees paid by the CDCs or the borrowers, but clarifies that the CDC's stipulated annual fee would be increased by 0.06 percent, 6/100ths of one percent, and the borrower's stipulated fee would increase by approximately 0.06 percent, to replace the fees currently imposed on CDCs and borrowers by private lenders. In other words, instead of a fee imposed on CDCs and borrowers by the private lenders, which is not always clearly identifiable to those outside the program, this provision will specify the fee be paid directly by the CDCs and borrowers. It is hoped that this provision will clarify the fee obligations owed within the program, and will clearly identify to banks the total costs of participating in the program.

The SBA's current 504 Program provides our Nation's small businesses with low-cost, long-term financing that is absolutely critical to starting and developing a successful business. In turn, small businesses create the majority of new jobs created in the United States. This program, re-named as the Local Development Business Loan Program, will continue to help small businesses create jobs and support their local communities. In fact, the provisions in this bill will improve those efforts significantly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; DEFINITION.

(a) SHORT TITLE.—This Act may be cited as the ''Local Development Business Loan Program Act of 2005''.

(b) DEFINITION.—In this Act, the term ''Administrator'' means the Administrator of the Small Business Administration.

SEC. 2. DEVELOPMENT COMPANY LOAN PROGRAMS.

(a) TITLE OF PROGRAM.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

''SEC. 511. PROGRAM TITLE.

''The programs authorized by this title shall be known as the 'Local Development Business Loan Program'.''.

(b) EXISTING MATERIALS.—The Administrator may use informational materials created, or that were in the process of being created, before the date of enactment of this Act that do not refer to a program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) as the ''Local Development Business Loan Program''.

(c) NEW MATERIALS.—Any informational materials created by the Administrator on or after the date of enactment of this Act shall refer to any program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) as the ''Local Development Business Loan Program''.

SEC. 3. PROGRAM AUTHORIZATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

''(f) FISCAL YEAR 2007.—For the program authorized under section 7(a)(13) of this Act and the Local Development Business Loan Program under the Small Business Investment Act of 1958, the Administrator is authorized to make $8,000,000,000 in financings, and there are authorized to be appropriated to the Administrator such sums as may be necessary to carry out such programs.

''(g) FISCAL YEAR 2008.—For the program authorized under section 7(a)(13) of this Act and the Local Development Business Loan Program under the Small Business Investment Act of 1958, the Administrator is authorized to make $8,500,000,000 in financings, and there are authorized to be appropriated to the Administrator such sums as may be necessary to carry out such programs.''.

SEC. 4. LOAN LIQUIDATIONS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PARTICIPATION.—

''(1) IN GENERAL.—Any qualified State or local development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section, or which the Administrator determines to be ineligible for such authority, shall contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. The contract shall be contingent upon approval by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

''(2) COMMENCEMENT.—The provisions of this subsection shall not require any development company to liquidate defaulted loans until the Administrator has adopted and implemented a program to compensate and reimburse development companies, as provided under subsection (f).

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administrator shall reimburse each qualified State or local development company for all expenses paid by such company as part of the foreclosure and liquidation activities, if the expenses—

''(A) were approved in advance by the Administrator, either specifically or generally; or

''(B) were incurred by the development company on an emergency basis without prior approval from the Administrator, if the Administrator determines that the expenses were reasonable and appropriate.

''(2) COMPENSATION FOR RESULTS.—The Administrator shall develop a schedule to compensate and provide an incentive to qualified State or local development companies that foreclose and liquidate defaulted loans. The schedule shall be based on a percentage of the net amount recovered, but shall not exceed a maximum amount. The schedule shall not apply to any foreclosure which is conducted pursuant to a contract between a development company and a qualified third party to perform the foreclosure and liquidation.''.

SEC. 5. ADDITIONAL EQUITY INJECTIONS.

Section 502(3)(B)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)(ii)) is amended to read as follows:

''(ii) FUNDING FROM INSTITUTIONS.—If a small business concern—

''(I) provides the minimum contribution required under subparagraph (C), not less than 50 percent of the total cost of any project financed under clause (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i); and

''(II) provides more than the minimum contribution required under subparagraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i), except that the amount from such institutions may not be reduced to an amount that is less than the amount of the loan made by the Administrator.''.

SEC. 6. BUSINESSES IN LOW-INCOME AREAS.

Section 501(d)(3)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)(A)) is amended by inserting after ''business district revitalization,'' the following: ''or expansion of businesses in low-income communities which would be eligible for a new markets tax credit pursuant to section 45D(a) of the Internal Revenue Code of 1986, or implementing regulations issued thereunder,''.

SEC. 7. COMBINATIONS OF CERTAIN GOALS.

Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended by adding at the end the following:

''(7) A small business concern that is unconditionally owned by more than 1 individual, or a corporation, the stock of which is owned by more than 1 individual, shall be deemed to have achieved a public policy goal required under subsection (d)(3) if a combined ownership share of not less than 51 percent is held by individuals who are in 1 of the groups described in subparagraph (C) or (E) of subsection (d)(3).''.

SEC. 8. MAXIMUM 504 AND 7(A) LOAN ELIGIBILITY.

Section 502(2) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)) is amended by adding at the end the following:

''(C) COMBINATION FINANCING.—Notwithstanding any other provision of law, financing under this title may be provided to a borrower in the maximum amount provided in this subsection, and a loan guarantee under section 7(a) of the Small Business Act may be provided to the same borrower in the maximum amount provided in section 7(a)(3)(A) of such Act, to the extent that the borrower otherwise qualifies for such assistance.''.

SEC. 9. REFINANCING.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—

''(A) IN GENERAL.—Any financing approved under this title may include a limited amount of debt refinancing.

''(B) EXPANSIONS.—If the project involves expansion of a small business concern which has existing indebtedness collateralized by fixed assets, any amount of existing indebtedness that does not exceed ½ of the project cost of the expansion may be refinanced and added to the expansion cost, providing that—

''(i) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon, or to purchase equipment;

''(ii) the borrower has been current on all payments due on the existing debt for at least the preceding year; and

''(iii) the financing under section 504 will provide better terms or rate of interest than exists on the debt at the time of refinancing.''.

SEC. 10. FEES.

(a) IN GENERAL.—Section 503(d) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking ''0.125 percent'' and inserting ''0.185 percent''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect and apply to loans under section 503(d) of the Small Business Investment Act of 1958 (15 U.S.C. 697(d)) approved on or after 30 days after the date of enactment of this Act.

SEC. 11. TECHNICAL CORRECTION.

Section 501(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)(2)) is amended by striking ''outstanding''.

SEC. 12. SBIA DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) the term 'development company' means an entity incorporated under State law with the authority to promote and assist the growth and development of small business concerns in the areas in which it is authorized to operate by the Administrator;'';

(2) in paragraph (16), by striking ''and'' at the end;

(3) in paragraph (17), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(18) the term 'certified development company' means a development company that the Administrator has certified meets the criteria of section 506.''.

SEC. 13. REPEAL OF SUNSET ON RESERVE REQUIREMENTS FOR PREMIER CERTIFIED LENDERS.

Section 508(c)(6)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 697e(c)(6)(B)) is amended—

(1) in the heading, by striking ''TEMPORARY REDUCTION'' and inserting ''REDUCTION''; and

(2) by striking ''Notwithstanding subparagraph (A), during the 2-year period beginning on the date that is 90 days after the date of enactment of this subparagraph, the'' and inserting ''The''.

SEC. 14. ELIGIBILITY OF DEVELOPMENT COMPANIES TO BE DESIGNATED AS CERTIFIED DEVELOPMENT COMPANIES AND AUTHORITY TO ISSUE DEBENTURES; AND PROVIDING AN AREA OF OPERATIONAL AUTHORITY, FUNDING RESTRICTIONS, AND ETHICAL REQUIREMENTS.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended—

(1) in the heading, by striking ''**RESTRICTIONS ON DEVELOPMENT COMPANY ASSISTANCE**'' and inserting ''**CERTIFIED DEVELOPMENT COMPANIES**''; and

(2) by inserting before ''Notwithstanding any other provision of law'' the following:

''(a) AUTHORITY TO ISSUE DEBENTURES.—A development company may issue debentures under this title if the Administrator certifies that the company meets the following criteria:

''(1) SIZE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the development company shall be a small business concern with fewer than 500 employees, and shall not be under the control of any entity that does not meet the size standards established by the Administrator for a small business concern.

''(B) EXCEPTION.—Any development company that was certified by the Administrator before December 31, 2005, may continue to issue debentures under this title.

''(2) PURPOSE.—A primary purpose of the development company shall be to benefit the community by fostering economic development to create and preserve jobs and stimulate private investment.

''(3) PRIMARY FUNCTION.—A primary function of the development company shall be to accomplish its purpose by providing long term financing to small business concerns under the Local Development Business Loan Program. The development company may also provide or support other local economic development activities to assist the community.

''(4) NONPROFIT STATUS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the development company shall be a nonprofit corporation.

''(B) EXCEPTION.—A development company certified by the Administrator before January 1, 1987, may continue to issue debentures under this title and retain its status as a for-profit enterprise.

''(5) GOOD STANDING.—The development company—

''(A) shall be in good standing in the State in which such company is incorporated and in any other State in which it conducts business; and

''(B) shall be in compliance with all laws, including taxation requirements, in the State in which such company is incorporated and in any other State in which it conducts business.

''(6) MEMBERSHIP OF DEVELOPMENT COMPANY.—There shall be—

''(A) not fewer than 25 members of the development company (or owners or stockholders, if the corporation is a for-profit entity) none of whom may own or control more than 10 percent of the voting membership of the company; and

''(B) at least 1 member of the development company (none of whom is in a position to control the development company) from each of the following:

''(i) Government organizations that are responsible for economic development.

''(ii) Financial institutions that provide commercial long term fixed asset financing.

''(iii) Community organizations that are dedicated to economic development.

''(iv) Businesses.

''(7) BOARD OF DIRECTORS.—

''(A) IN GENERAL.—The development company shall have a board of directors.

''(B) MEMBERS OF BOARD.—Each member of the board of directors shall be—

''(i) a member of the development company; and

''(ii) elected by a majority of the members of the development company.

''(C) REPRESENTATION OF ORGANIZATIONS AND INSTITUTIONS.—

''(i) IN GENERAL.—There shall be at least 1 member of the board of directors from not fewer than 3 of the 4 organizations and institutions described in paragraph (6)(B), none of whom is in a position to control the development company.

''(ii) MAXIMUM PERCENTAGE.—Not more than 50 percent of the members of the board of directors shall be from any 1 of the organizations and institutions described in paragraph (6)(B).

''(D) MEETINGS.—The board of directors of the development company shall meet on a regular basis to make policy decisions for such company.

''(8) PROFESSIONAL MANAGEMENT AND STAFF.—

''(A) IN GENERAL.—The development company shall have full-time professional management, including a chief executive officer to manage daily operations and a full-time professional staff qualified to market the Local Development Business Loan Program and handle all aspects of loan approval and servicing, including liquidation, if appropriate.

''(B) INDEPENDENT MANAGEMENT AND OPERATION.—Except as provided in paragraph (9), the development company shall be independently managed and operated to pursue the economic development purpose of the company and shall employ directly the chief executive officer.

''(9) MANAGEMENT AND OPERATION EXCEPTIONS.—

''(A) AFFILIATION.—A development company may be an affiliate of another local nonprofit service corporation (other than a development company), a purpose of which is to support economic development in the area in which the development company operates.

''(B) STAFFING.—A development company may satisfy the requirement for full-time professional staff under paragraph (8)(A) by contracting for the required staffing with—

''(i) a local nonprofit service corporation;

''(ii) a nonprofit affiliate of a local nonprofit service corporation;

''(iii) an entity wholly or partially operated by a governmental agency; or

''(iv) another entity approved by the Administration.

''(C) DIRECTORS.—A development company and a local nonprofit service corporation with which it is affiliated may have in common some, but not all, members of their respective board of directors.

''(D) RURAL AREAS.—A development company in a rural area may satisfy the requirements of a full-time professional staff and professional management ability under paragraph (8)(A) by contracting for such services with another certified development company that—

''(i) has such staff and management ability; and

''(ii) is located in the same State as the development company or in a State that is contiguous to the State in which the development company is located.

''(E) PREVIOUSLY CERTIFIED.—A development company that, on or before December 31, 2005, was certified by the Administrator and had contracted with a for-profit company to provide staffing and management services, may continue to do so.

''(b) USE OF EXCESS FUNDS.—Any funds generated by a certified development company from making loans under section 503 or 504 that remain unexpended after payment of staff, operating, and overhead expenses shall be retained by the certified development company as a reserve for—

''(1) future operations;

''(2) expanding the area in which the certified development company operates through the methods authorized by this Act; or

''(3) investment in other local economic development activity in the State from which such funds were generated.

''(c) ETHICAL REQUIREMENTS.—

''(1) IN GENERAL.—A certified development company and the officers, employees, and other staff of the company shall at all times act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest.

''(2) PROHIBITED CONFLICT IN PROJECT LOANS.—

''(A) IN GENERAL.—No certified development company may—

''(i) recommend or approve a guarantee of a debenture by the Administrator under the Local Business Development Loan Program that is collateralized by a second lien position on the property being constructed or acquired; and

''(ii) provide, or be affiliated with a corporation or other entity which provides, financing collateralized by a first lien on the same property.

''(B) EXCEPTION.—During the 2-year period beginning on the date of enactment of this subsection, a certified development company that was participating as a first mortgage lender for the Local Business Development Loan Program in either of fiscal years 2004 or 2005 may continue to do so.

''(3) OTHER ECONOMIC DEVELOPMENT ACTIVITIES.—It shall not be a conflict of interest for a certified development company to operate multiple programs to assist small business concerns as part of carrying out its economic development purpose.

''(d) MULTISTATE OPERATIONS.—

''(1) AUTHORIZATION.—Notwithstanding any other provision of law, the Administrator shall permit a certified development company to make loans in any State that is contiguous to the State of incorporation of that certified development company, only if such company—

''(A) is—

''(i) an accredited lender under section 507; or

''(ii) a premier certified lender under section 508;

''(B) has a membership that contains not fewer than 25 members from each State in which the company makes loans;

''(C) has a board of directors that contains not fewer than 1 member from each State in which the company makes loans; and

''(D) maintains not fewer than 1 loan committee, which shall have not fewer than 1 member from each State in which the company makes loans; and

''(E) submits to the Administrator, in writing—

''(i) a notice of the intention of the company to make loans in multiple States;

''(ii) the names of the States in which the company intends to make loans;

''(iii) a detailed statement of how the company will comply with this paragraph, including a list of the members described in subparagraph (B).

''(2) REVIEW.—The Administrator shall verify whether a certified development company satisfies the requirements of paragraph (1) on an expedited basis and, not later than 30 days after the date on which the Administrator receives the statement described in paragraph (1)(E)(iii), the Administrator shall determine whether such company satisfies such criteria and provide notice to such company.

''(3) LOAN COMMITTEE PARTICIPATION.—For any loan made by a company described in paragraph (1), not fewer than 1 member of the loan committee from the State in which the loan is to be made shall participate in the review of such loan.

''(4) AGGREGATE ACCOUNTING.—A company described in paragraph (1) may maintain an aggregate accounting of all revenue and expenses of the company for purposes of this title.

''(5) DIRECTORS.—Notwithstanding any other provision of law, a person may serve on the board of directors, but not as an officer, of more than 1 certified development company if none of the certified development companies on which the person serves as a member of the board of directors are located or operate in the same area.

''(6) LOCAL JOB CREATION REQUIREMENTS.—Any certified development company making loans in multiple States shall satisfy any applicable job creation or retention requirements separately for each such State. Such a company shall not count jobs created or retained in 1 State towards any applicable job creation or retention requirement in another State.

''(7) CONTIGUOUS STATES.—For purposes of this subsection, the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific ocean.

''(e) RESTRICTIONS ON DEVELOPMENT COMPANY ASSISTANCE.—''.

SEC. 15. CONFORMING AMENDMENTS.

Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (a)(1), by striking ''qualified State or local development company'' and inserting ''certified development company''; and

(2) by striking subsection (e) and inserting the following:

''(e) SECTION 7(a) LOANS.—Notwithstanding any other provision of law, a certified development company is authorized to prepare applications for deferred participation loans under section 7(a) of the Small Business Act, to service such loans, and to charge a reasonable fee for servicing such loans.''.

SEC. 16. CLOSING COSTS.

Section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended by striking paragraph (4) and inserting the following:

''(4) the aggregate amount of such debenture does not exceed the amount of the loans to be made from the proceeds of such debenture plus, at the election of the borrower, other amounts attributable to the administrative and closing costs of such loans, except for the attorney fees of the borrower;''.

SEC. 17. DEFINITION OF RURAL.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following:

''(f) As used in this title, the term 'rural' shall include any area that is not—

''(1) a city or town that has a population greater than 50,000 inhabitants; or

''(2) the urbanized area contiguous and adjacent to a city or town described in paragraph (1).''.

SEC. 18. REGULATIONS AND EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the Administrator shall—

(1) publish proposed rules to implement this Act and the amendments made by this Act not later than 120 days after the date of enactment of this Act; and

(2) publish such rules in final form not later than 120 days after the date of publication under paragraph (1).

(b) MULTISTATE OPERATIONS.—As soon as is practicable after the date of enactment of this Act, the Administrator shall promulgate regulations to implement section 506(d) of the Small Business Investment Act of 1958, as added by section 14 of this Act. Such regulations shall become effective not later than 120 days after the date of enactment of this Act.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and section 10(b), this Act and the amendments made by this Act shall become effective 240 days after the date of enactment of this Act, regardless of whether the Administrator has promulgated the regulations required under subsection (a).

(2) MULTISTATE OPERATIONS.—Section 506(d) of the Small Business Investment Act of 1958, as added by section 14 of this Act, shall become effective 120 days after the date of enactment of this Act, regardless of whether the Administrator has promulgated the regulations required under subsection (b).

By Mr. KERRY:

S. 2163. A bill to amend titles 10 and 38 of the United States Code, to increase and index educational benefits for veterans under the Montgomery GI bill to ensure adequate and equitable benefits for active duty members and members of the selected Reserve, and to include certain servicemembers previously excluded from such benefits; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, the original GI Bill of 1944 was intended to help veterans readjust to civilian life, and to recognize the service they provided to their country. Subsequent GI Bills, including the one in force today, have been important tools to recruit the world's best troops.

The GI Bill is meant ''to help meet, in part, the expenses of such individual's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.'' At certain points historically the payment has met over 100 percent of these costs.

Yet, today's troops, performing with such distinction in Iraq, Afghanistan, and other locations around the world, are returning home to a GI Bill that covers only 63 percent of the average price of a public four-year secondary education.

Veterans are struggling to make up the difference in the price of their education.

We have heard of a 28-year-old Navy veteran who served two deployments in the Persian Gulf between 1996 and 2002. When he went to school he had to supplement his GI Bill benefits by working part-time as a bartender and taking out tens of thousands of dollars in emergency loans.

We've heard of a veteran who served 4 years in the airborne infantry prior to enrolling in a local community college in California under the GI Bill. He has been able to make ends meet at the community college by subsidizing his GI Bill benefits through part time work, but he worries that he will be unable to fulfill his dream of finishing up at UC Davis because his benefits and part time job will not cover the higher costs at the 4-year public secondary institution.

But not all veterans are in a position where they can worry only about their education. Almost 60 percent of enlisted men and women are married today, compared with 40 percent in 1973. These veterans are faced with choosing to borrow in order to invest for the future or take care of their family now.

We know of veterans who have lost that fight. One was unable to come up with the remaining third of the cost of his education and support his wife and baby daughter. His wife had convinced him to use his GI Bill benefits, but for this young veteran, ''the benefit just didn't match up to the cost of living'' and he dropped out of school after only one semester.

Over the past 10 years, less than 10 percent of eligible veterans who signed up for the GI Bill from 1985 to 1994 used their entire educational benefit, although 70 percent have used some portion of it.

The legislation I introduce today is the start of an effort to help veterans meet the everincreasing costs of education. It is only a start. I recognize that the cost of this proposal has to be addressed for the legislation to advance. Toward this end, Senator ENSIGN and I have written to the Veterans' Affairs Committee seeking reauthorization of a reporting requirement that will inform this process. And I plan to work with my colleagues in the coming months to find a solution that meets the needs of America's veterans.

We know that improving GI Bill benefits isn't just about saying thank you. It is critical to recruiting the world's finest military. As recently as 2004, a survey of active duty service members found that GI Bill education benefits were the primary reason individuals chose to enlist. We recently increased sign-up and reenlistment bonuses for members of the military. The GI Bill must increase too.

This legislation, the Armed Forces Education Benefits Improvement Act, would increase GI Bill educational benefits to cover the average price of a 4-year secondary education. According to the most recent report by the U.S. Department of Education, an average public 4-year education cost $14,260 in 2004–05, compared with the $9,036 provided under the current GI Bill for the same time period.

The Armed Forces Education Benefits Improvement Act would also provide for real growth in future benefits that keep paces with the ever increasing cost of education. The bill would index the increased benefit to the ''college tuition and fees'' component of the Consumer Price Index. Currently, the increasing cost of education is out-pacing growth in GI Bill benefits, which are indexed to the less rapidly growing overall inflation.

This legislation would also increase the base amount provided for members of the Selected Reserve by approximately 59 percent. And it maintains the same ratio in the FY05 Defense Authorization Act for those members of the Selected Reserve called up to active duty for at least 90 days.

Finally, the Armed Forces Education Benefits Improvement Act would open' enrollment for updated Montgomery GI bill benefits to certain active duty service members who declined to accept the Veterans Education Assistance Program, VEAP, offered between January 1, 1977 and June 30, 1985. These veterans are the only group of active duty service members—other than service academy graduates and recipients of certain ROTC scholarships—who have not been able to sign up for GI Bill educational benefits.

I am pleased that this legislation has been endorsed by the Military Officers Association of America and the Reserve Enlisted Association.

I know my colleagues are as inspired as I am by the dedication, courage, and honor of the soldiers, sailors, airmen, and Marines we meet around the world. They serve with a selfless devotion to their country and their mission—and we are all so very proud of them. The least that we can do is ensure the GI Bill education benefits keep pace with the cost of education in this country. I look forward to working with my colleagues over the coming months to bring this legislation to fruition.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Armed Forces Education Benefits Improvement Act''.

SEC. 2. ADJUSTMENT AND ANNUAL DETERMINATION OF EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL FOR ACTIVE DUTY MEMBERS.

(a) IN GENERAL.—Section 3015 of title 38, United States Code, is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

''(1) for an approved program of education pursued on a full-time basis—

''(A) $1,584 per month for months during fiscal year 2005; and

''(B) for months during fiscal year 2006 and each subsequent fiscal year, the monthly amount under this paragraph for the previous fiscal year multiplied by the percentage increase calculated under subsection (h); or'';

(2) in subsection (b), by amending paragraph (1) to read as follows:

''(1) for an approved program of education pursued on a full-time basis—

''(A) $1,267 per month for months during fiscal year 2005; and

''(B) for months during fiscal year 2006 and each subsequent fiscal year, the monthly amount under this paragraph for the previous fiscal year multiplied by the percentage increase calculated under subsection (h); or''; and

(3) in subsection (h)(1), by striking ''all items'' and inserting ''college tuition and fees''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning after the date of enactment of this Act.

SEC. 3. ANALYSIS OF IMPACT OF MONTGOMERY GI BILL EDUCATIONAL BENEFITS.

(a) FINDINGS.—Congress finds that—

(1) the enhanced educational benefits provided under the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 are an important step in ensuring that members of the Selected Reserve are thanked for their increasing role in the modern warfare; and

(2) when these members return from extended tours in Iraq, Afghanistan, and other places, they should be provided with immediate access to these enhanced educational benefits.

(b) COOPERATION.—The Secretary of Defense shall work expeditiously with the Secretary of Veterans Affairs to ensure that members of the Selected Reserve receive the educational benefits referred to in subsection (a) in a timely manner.

(c) STUDIES.—

(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall conduct a study analyzing the effect of all Montgomery GI bill educational benefits on recruitment and retention during the 12-month period beginning on the date on which the enhanced benefits referred to in subsection (a) become available.

(2) SECRETARY OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall conduct a study analyzing the effect of all Montgomery GI bill educational benefits on the readjustment of veterans eligible for educational benefits under section 3015 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code, during the 12-month period beginning on the date on which the enhanced benefits referred to in subsection (a) become available.

(3) REPORT.—Not later than 18 months after the date on which the enhanced benefits referred to in subsection (a) become available, the Secretary of Defense and the Secretary of Veterans Affairs shall submit a report on the results of the studies conducted under paragraphs (1) and (2) to—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Veterans' Affairs of the Senate; and

(D) the Committee on Veterans' Affairs of the House of Representatives.

SEC. 4. ADJUSTMENT AND ANNUAL DETERMINATION OF EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL FOR CERTAIN MEMBERS OF THE SELECTED RESERVE.

(a) INCREASE IN RATES.—Section 16131(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''at the following rates:'' and inserting ''—''; and

(B) by striking subparagraphs (A) through (C) and inserting the following:

''(A) for a program of education pursued on a full-time basis—

''(i) $475 per month for months during fiscal year 2005; and

''(ii) for months during fiscal year 2006 and each subsequent fiscal year, the monthly amount under this subparagraph for the previous fiscal year multiplied by the percentage increase calculated under paragraph (2);

''(B) for a program of education pursued on a three-quarter-time basis—

''(i) $356 per month for months during fiscal year 2005; and

''(ii) for months during fiscal year 2006 and each subsequent fiscal year, the monthly amount under this subparagraph for the previous fiscal year multiplied by the percentage increase calculated under paragraph (2);

''(C) for a program of education pursued on a half-time basis—

''(i) $238 per month for months during fiscal year 2005; and

''(ii) for months during fiscal year 2006 and each subsequent fiscal year, the monthly amount under this subparagraph for the previous fiscal year multiplied by the percentage increase calculated under paragraph (2); and''; and

(2) in paragraph (2)—

(A) by inserting ''beginning on or after October 1, 2005'' after ''With respect to any fiscal year''; and

(B) in subparagraph (A), by striking ''all items'' and inserting ''college tuition and fees''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the first month beginning after the date of enactment of this Act.

SEC. 5. OPPORTUNITY FOR CERTAIN ACTIVE-DUTY PERSONNEL TO ENROLL UNDER THE MONTGOMERY GI BILL.

(a) IN GENERAL.—Chapter 30 of title 38, United States Code, is amended by inserting after section 3018C the following:

''§ 3018D. Opportunity for certain active-duty personnel to enroll

''(a)(1) Notwithstanding any other provision of this chapter, during the 1-year period beginning on the date of enactment of this section, a qualified individual (described in subsection (b)) may make an irrevocable election under this section to receive basic educational assistance under this chapter.

''(2) The Secretary of each military department shall provide for procedures for a qualified individual to make an irrevocable election under this section in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Homeland Security shall provide for such purpose with respect to the Coast Guard when it is not operating as a service in the Navy.

''(b) A qualified individual referred to in subsection (a) is an individual who meets each of the following requirements:

''(1) The individual first became a member of the Armed Forces or first served on active duty as a member of the Armed Forces before July 1, 1985.

''(2) The individual—

''(A) has served on active duty without a break in service since the date the individual first became such a member or first served on active duty as such a member; and

''(B) continues to serve on active duty for some or all of the 1-year period described in subsection (a).

''(3) The individual, before applying for benefits under this section—

''(A) completed the requirements of a secondary school diploma (or equivalency certificate); or

''(B) has successfully completed (or otherwise received academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree.

''(4) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.

''(c)(1) Subject to paragraph (2), with respect to a qualified individual who elects under this section to receive basic educational assistance under this chapter—

''(A) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $1,200; and

''(B) to the extent that basic pay is not reduced under subparagraph (A) before the qualified individual's discharge or release from active duty, an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which shall be paid into the Treasury of

the United States as miscellaneous receipts, shall, at the election of the qualified individual, be—

''(i) collected from the qualified individual by the Secretary concerned; or

''(ii) withheld from the retired or retainer pay of the qualified individual by the Secretary concerned.

''(2)(A) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under this section, for the qualified individual to pay that Secretary the amount due under paragraph (1).

''(B) Nothing in subparagraph (A) shall be construed as modifying the period of eligibility for and entitlement to basic educational assistance under this chapter applicable under section 3031 of this title.

''(d) With respect to qualified individuals referred to in subsection (c)(1)(B), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

''(1) the Secretary concerned collects the applicable amount under subsection (c)(1)(B)(i); or

''(2) the retired or retainer pay of the qualified individual is first reduced under subsection (c)(1)(B)(ii).

''(e) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.''.

(b) CONFORMING AMENDMENTS.—Section 3017(b)(1) of title 38, United States Code, is amended—

(1) in subparagraphs (A) and (C), by striking ''or 3018C(e)'' and inserting ''3018C(e), or 3018D(c)''; and

(2) in subparagraph (B), by inserting ''or 3018D(c)'' after ''under section 3018C(e)''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 30 of title 38, United States Code, is amended by inserting after the item relating to section 3018C the following:

''3018D. Opportunity for certain active-duty personnel to enroll.''.

By Mr. LOTT (for himself and Mr. DODD):

S. 2166. A bill to direct the Election Assistance Commission to make grants to States to restore and replace election administration supplies, materials, records, equipment, and technology which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita; to the Committee on Rules and Administration.

Mr. LOTT. Mr. President, I rise today to introduce the Hurricane Election Relief Act of 2005. I thank my friend Senator DODD—the ranking member of the committee I chair, the Senate Committee on Rules and Administration—for joining me in sponsoring this important legislation.

It has now been over three months since Hurricanes Katrina and Rita wreaked havoc throughout the gulf coast region, leaving almost unimaginable wreckage and destruction in their wakes. The good people in the region have suffered a terrible toll in terms of lives lost and property destroyed. Though their plight no longer dominates the headlines, the difficulties and hardships that these individuals continue to confront on a daily basis remain formidable. However, one thing that gulf coast residents should not have to face in the aftermath of the hurricanes is an impediment to their ability to fully participate in our Nation's democracy. The right to vote must not become a further casualty of Hurricanes Katrina and Rita.

The hurricane-related damage to election infrastructure was extensive throughout my home State of Mississippi as well as Louisiana and other gulf States. Voting equipment was destroyed; voter records were lost; polling places were leveled. If this infrastructure is not restored in a timely manner, the voting rights of thousands of citizens in the region will be substantially impaired. This is not acceptable.

But replacing damaged and destroyed election equipment and technology is not the only election-related challenge these States face. Thousands and thousands of individuals were forced to evacuate their homes and their communities and relocate to other areas and, in some instances, other States. Large numbers of these displaced individuals will not be able to return to their homes anytime soon. Consequently, if these citizens are going to participate in the upcoming elections that will shape the rebuilding efforts in their communities, they will have to do so largely by means of absentee ballots. This increased demand for absentee ballots will, in turn, present significant logistical challenges for localities that are already cash-strapped and struggling to recover in the aftermath of Hurricanes Katrina and Rita. Therefore, to ensure that gulf coast residents remain fully enfranchised, it is essential that the impacted States receive sufficient resources to restore their election infrastructure to pre-hurricane levels.

For this reason, I am proud to introduce today the Hurricane Election Relief Act of 2005, which provides much needed funds to the States that bore the brunt of Hurricanes Katrina and Rita to aid them in rebuilding election infrastructure that was damaged or destroyed. Specifically, the Hurricane Election Relief Act authorizes $50 million in grants to be distributed by the Election Assistance Commission, EAC, to assist affected States in restoring and replacing supplies, materials, records, equipment, and technology used in administering Federal elections that were damaged, destroyed, or dislocated as a result of the hurricanes. The act also permits the authorized funds to be used to ensure the full electoral participation of displaced individuals. Thus, State and local election officials could use monies furnished by the act to offset the costs associated with printing and processing voter registration and absentee ballot materials for displaced voters. Finally, the use of the funds provided under this act would have to be consistent with the requirements of Title III of the Help America Vote Act of 2002.

Much work remains to be done to help the communities impacted by Hurricanes Katrina and Rita get back on their feet. I realize this fact more than most. Thus, it is my hope that my fellow Senators will enthusiastically support this important legislation, which will ensure that those individuals in my home State as well as those in the surrounding States whose lives were thrown into such turmoil as a result of the hurricanes will retain their ability to fully exercise their right to vote.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hurricane Election Relief Act of 2005''.

SEC. 2. GRANTS TO STATES FOR RESTORING AND REPLACING ELECTION ADMINISTRATION SUPPLIES, MATERIALS, RECORDS, EQUIPMENT, AND TECHNOLOGY WHICH WERE DAMAGED, DESTROYED, OR DISLOCATED BY HURRICANES KATRINA OR RITA.

(a) AUTHORITY TO MAKE GRANTS.—The Election Assistance Commission shall make a grant to each eligible State, in such amount as the Commission considers appropriate, for purposes of restoring and replacing supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State which were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita and ensuring the full participation in such elections by individuals who were displaced as a result of Hurricane Katrina or Hurricane Rita.

(b) USE OF GRANT FUNDS.—Funds received under a grant under subsection (a) shall be used in a manner that is consistent with the requirements of title III of the Help America Vote Act of 2002.

(c) ELIGIBILITY.—A State is eligible to receive a grant under this section if it submits to the Commission (at such time and in such form as the Commission may require) a certification that—

(1) supplies, materials, records, equipment, and technology used in the administration of Federal elections in the State were damaged, destroyed, or dislocated as a result of Hurricane Katrina or Hurricane Rita; or

(2) the system of such State for conducting Federal elections has been significantly impacted by the displacement of individuals as a result of Hurricane Katrina or Hurricane Rita.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 2006 for grants under this Act $50,000,000, to remain available until expended.

Mr. DODD. Mr. President, nearly three months have passed since Hurricanes Katrina and Rita ravaged the lives of the good people of our Gulf Coast region. Congress has taken great efforts to address the immediate needs of those affected by the hurricanes and continues to consider how we can assist the long-term needs of these communities. I previously came to the floor with the distinguished Chairman of the Senate Rules Committee, Senator LOTT, to discuss the needs for

funding to restore the elections infrastructure of the impacted States, including not just those directly hit by the storms but also States that welcomed and provided shelter to those displaced by the storms.

As the ranking member of the Rules Committee, I rise today to introduce with Senator LOTT, the Hurricane Election Relief Act of 2005, a bill that authorizes the necessary funding to impacted States for the purpose of ensuring that they will be capable of conducting the up-coming Federal elections next year, consistent with the Help America Vote Act (″HAVA'). This bill will ensure that impacted States will be able to strengthen the foundation of our democracy and the process by which we build communities. Specifically, this bill provides funding to States to restore and replace supplies, materials, records, equipment and technology that were damaged, destroyed, or dislocated as result of the storms. The Election Assistance Commission (EAC) is charged with distribution of the appropriate funding to the States.

Earlier this month, Louisiana Secretary of State Al Ater postponed for up to eight months the elections for mayor and City Council in New Orleans from the scheduled February 4, 2006 date, after explaining that the infrastructure to hold an election is simply absent. Secretary of State Alter noted that polling places must be rebuilt, voting systems must be repaired, poll workers must be located, and a system to process the anticipated increase in absentee ballots must be developed. Following the storms, Ater requested $2 million from the Federal Emergency Management Agency (FEMA) solely to repair voting machines. To date, he has not received any of the requested funds and there does not yet appear to be a projected FEMA disbursement date for such funds.

Mississippi Secretary of State Eric Clark surveyed the 43 counties affected by the storms in his State and announced that in order to facilitate elections without long lines, Mississippi needs $3.3 million to replace 966 voting machines as well as additional funding to assure that the counties meet the HAVA requirements effective January 1, 2006.

In light of the above, it is essential that we rise and join together to ensure that all States, including those States impacted by the hurricanes, may conduct timely Federal elections that enable every eligible voter to cast a vote and have that vote counted, regardless of race, ethnicity, language, age, disability or community resources. The health of our democracy depends upon it.

As we approach the end of the first session of the 109th Congress and prepare to return to the comfort of our families and constituents, let us give thanks for the well-being of our communities and provide the authority to allocate funding to those States which are rebuilding their communities in the aftermath of these devastating natural disasters.

By Ms. SNOWE (for herself and Mr. NELSON of Florida):

S. 2168. A bill to amend title XVIII of the Social Security Act to provide extended and additional protections to Medicare beneficiaries enrolled under part C or D or such title; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise today to introduce the Medicare Drug Benefit Protections Act of 2005 with my colleague, Senator BILL NELSON. Our bill provides additional protections for Medicare beneficiaries enrolling in the new Medicare Part D prescription drug benefit, protections which we believe are essential. Our bill extends the initial enrollment period for the new benefit until the end of 2006, provides more flexibility for beneficiaries to change plans, and adds crucial protections for those enrolled in a plan.

We are now in the midst of the rollout of the new Medicare drug benefit, and, as of November 15, seniors and individuals with disabilities on Medicare have begun enrolling in various plans. Unfortunately, many seniors are confused and angry, frustrated and concerned that they do not have adequate information about the plans being offered. Seniors may ultimately decide not to enroll in a plan if they do not have enough expert assistance—readily available and accessible—to help them choose an appropriate plan. To make matters worse, many say the information available from the Centers for Medicare and Medicaid Services, CMS, the agency overseeing the plan, is either not helpful or simply overwhelming.

Beneficiaries are worried they could make a poor choice in selecting a plan and that, once enrolled, the drugs offered by the plan they choose may not be the drugs they need. We must assure them that they will not be saddled with monthly premiums for plans which, in the end, do not adequately cover their prescription drug needs.

Our bill would address these concerns in several ways. The bill includes two provisions from Senator NELSON's bill, the Medicare Informed Choice Act of 2005, which give beneficiaries additional protection. The bill extends the initial six-month period for enrolling in a plan from May 15, 2006, to December 31, 2006, thus delaying late enrollment penalties until 2007 and giving beneficiaries the rest of this year and all of next year to decide whether to enroll in a plan. Once beneficiaries have enrolled in a plan, the bill provides a one-time opportunity during 2006 to change to another plan without penalty, should they wish to do so.

The Medicare Drug Benefit Protections Act includes additional safeguards, as well. Seniors are getting misinformation from the CMS website, especially in regard to the cost of drugs being offered by certain plans. Seniors in my home State of Maine have experienced serious problems with inaccurate drug pricing information being provided by the CMS website devoted to the new Medicare Part D plans, www.medicare.gov. In one instance, the CMS website quoted one price for a senior's drug costs for 2006 but the plan itself quoted a cost of approximately $2,000 more than the CMS website. Under our bill, beneficiaries could change plans without penalty if they relied on misinformation from CMS to their detriment.

Beneficiaries would also be allowed to change plans without penalty should their circumstances change significantly, due to medical reasons, for example. Beneficiaries who meet these criteria would have an extended period of time to change plans, a minimum of four months rather than the current 90 days. The bill would also extend the annual open season, as of 2007, from November 15th through December 31st, to a full two months, from November 1st through December 31st, in order to allow all beneficiaries more time outside the busy and travel-filled holiday season to study and compare plans should they wish to make a change.

Finally, our bill authorizes $25 million in funding for grants to States, non-profit organizations, and other entities to conduct additional education and outreach efforts on the drug benefit during fiscal years 2007 and 2008.

Our goal is to ensure that beneficiaries have sufficient time, comfort, and peace of mind to understand the new drug benefit and enroll in a plan well-suited to their needs so they can derive the much-needed assistance with their prescription drugs offered by these plans. We must provide flexibility, safeguards, and outreach efforts beyond what currently exists to reduce the anxiety and frustration that too many seniors are experiencing today.

The new Medicare drug benefit is the first comprehensive outpatient prescription drug benefit in the 40-year history of Medicare. The benefit is not perfect by any means, but rather a beginning. I will continue working to improve this benefit so that it will truly deliver the assistance that our seniors so desperately need and deserve to have.

By Mr. FRIST (for himself, Mr. BIDEN, and Mr. LUGAR):

S. 2170. A bill to provide for global pathogen surveillance and response; read twice.

Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Global Pathogen Surveillance Act of 2005''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The frequency of the occurrence of biological events that could threaten the national security of the United States has increased and is likely increasing. The threat to the United States from such events includes threats from diseases that infect humans, animals, or plants regardless of if such diseases are introduced naturally, accidentally, or intentionally.

(2) The United States lacks an effective and real-time system to detect, identify, contain, and respond to global threats and also lacks an effective mechanism to disseminate information to the national response community if such threats arise.

(3) Bioterrorism poses a grave national security threat to the United States. The insidious nature of a bioterrorist attack, the likelihood that the recognition of such an attack would be delayed, and the underpreparedness of the domestic public health infrastructure to respond to such an attack could result in catastrophic consequences following a biological weapons attack against the United States.

(4) The ability to recognize that a country or organization is carrying out a covert biological weapons programs is dependent on a number of indications and warnings. A critical component of this recognition is the timely detection of sentinel events such as laboratory accidents and community-level outbreaks that could be the earliest indication of an emerging bioterrorist program in a foreign country. Early detection of such events may enable earlier counter-proliferation intervention.

(5) A contagious pathogen engineered as a biological weapon and developed, tested, produced, or released in a foreign country could quickly spread to the United States. Considering the realities of international travel, trade, and migration patterns, a dangerous pathogen appearing naturally, accidentally, or intentionally anywhere in the world can spread to the United States in a matter of days, before any effective quarantine or isolation measures could be implemented.

(6) To combat bioterrorism effectively and ensure that the United States is fully prepared to prevent, recognize, and contain a biological weapons attack, or emerging infectious disease, measures to strengthen the domestic public health infrastructure and improve domestic event detection, surveillance, and response, while absolutely essential, are not sufficient.

(7) The United States should enhance cooperation with the World Health Organization, regional international health organizations, and individual countries, including data sharing with appropriate agencies and departments of the United States, to help detect and quickly contain infectious disease outbreaks or a bioterrorism agent before such a disease or agent is spread.

(8) The World Health Organization has done an impressive job in monitoring infectious disease outbreaks around the world, particularly with the establishment in April 2000 of the Global Outbreak Alert and Response Network.

(9) The capabilities of the World Health Organization depend on the quality of the data and information the Organization receives from the countries that are members of the Organization and is further limited by the narrow list of diseases (such as plague, cholera, and yellow fever) on which such surveillance and monitoring is based and by the consensus process used by the Organization to add new diseases to the list. Developing countries, in particular, often are unable to devote the necessary resources to build and maintain public health infrastructures.

(10) In particular, developing countries could benefit from—

(A) better trained public health professionals and epidemiologists to recognize disease patterns;

(B) appropriate laboratory equipment for diagnosis of pathogens;

(C) disease reporting systems that—

(i) are based on disease and syndrome surveillance; and

(ii) could enable an effective response to a biological event to begin at the earliest possible opportunity;

(D) a narrowing of the existing technology gap in disease and syndrome surveillance capabilities, based on reported symptoms, and real-time information dissemination to public health officials; and

(E) appropriate communications equipment and information technology to efficiently transmit information and data within national, international regional, and international health networks, including inexpensive, Internet-based Geographic Information Systems (GIS) and relevant telephone-based systems for early recognition and diagnosis of diseases.

(11) An effective international capability to detect, monitor, and quickly diagnose infectious disease outbreaks will offer dividends not only in the event of biological weapons development, testing, production, and attack, but also in the more likely cases of naturally occurring infectious disease outbreaks that could threaten the United States. Furthermore, a robust surveillance system will serve to deter, prevent, or contain terrorist use of biological weapons, mitigating the intended effects of such malevolent uses.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide the United States with an effective and real-time system to detect biological threats that—

(A) utilizes classified and unclassified information to detect such threats; and

(B) may be utilized by the human or the agricultural domestic disease response community.

(2) To enhance the capability of the international community, through the World Health Organization and individual countries, to detect, identify, and contain infectious disease outbreaks, whether the cause of those outbreaks is intentional human action or natural in origin.

(3) To enhance the training of public health professionals and epidemiologists from eligible developing countries in advanced Internet-based disease and syndrome surveillance systems, in addition to traditional epidemiology methods, so that such professionals and epidemiologists may better detect, diagnose, and contain infectious disease outbreaks, especially such outbreaks caused by the pathogens that may be likely to be used in a biological weapons attack.

(4) To provide assistance to developing countries to purchase appropriate communications equipment and information technology to detect, analyze, and report biological threats, including—

(A) relevant computer equipment, Internet connectivity mechanisms, and telephone-based applications to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis; and

(B) appropriate computer equipment and Internet connectivity mechanisms—

(i) to facilitate the exchange of Geographic Information Systems-based disease and syndrome surveillance information; and

(ii) to effectively gather, analyze, and transmit public health information for infectious disease surveillance and diagnosis.

(5) To make available greater numbers of public health professionals who are employed by the Government of the United States to international regional and international health organizations, international regional and international health networks, and United States diplomatic missions, as appropriate.

(6) To expand the training and outreach activities of United States laboratories located in foreign countries, including the Centers for Disease Control and Prevention or Department of Defense laboratories, to enhance the public health capabilities of developing countries.

(7) To provide appropriate technical assistance to existing international regional and international health networks and, as appropriate, seed money for new international regional and international networks.

SEC. 3. DEFINITIONS.

In this Act:

(1) ELIGIBLE DEVELOPING COUNTRY.—The term ''eligible developing country'' means any developing country that—

(A) has agreed to the objective of fully complying with requirements of the World Health Organization on reporting public health information on outbreaks of infectious diseases;

(B) has not been determined by the Secretary, for purposes of section 40 of the Arms Export Control Act (22 U.S.C. 2780), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 6(j) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), to have repeatedly provided support for acts of international terrorism, unless the Secretary exercises a waiver certifying that it is in the national interest of the United States to provide assistance under the provisions of this Act; and

(C) is a party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow April 10, 1972 (26 UST 583).

(2) ELIGIBLE NATIONAL.—The term ''eligible national'' means any citizen or national of an eligible developing country who—

(A) does not have a criminal background;

(B) is not on any immigration or other United States watch list; and

(C) is not affiliated with any foreign terrorist organization.

(3) INTERNATIONAL HEALTH ORGANIZATION.—The term ''international health organization'' includes the World Health Organization, regional offices of the World Health Organization, and international health organizations, such as the Pan American Health Organization.

(4) LABORATORY.—The term ''laboratory'' means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other medical examination of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

(5) SECRETARY.—Unless otherwise provided, the term ''Secretary'' means the Secretary of State.

(6) DISEASE AND SYNDROME SURVEILLANCE.—The term ''disease and syndrome surveillance'' means the recording of clinician-reported symptoms (patient complaints) and signs (derived from physical examination and laboratory data) combined with simple geographic locators to track the emergence of a disease in a population.

SEC. 4. ELIGIBILITY FOR ASSISTANCE.

(a) IN GENERAL.—Except as provided in subsection (b), assistance may be provided to an eligible developing country under any provision of this Act only if the government of the eligible developing country—

(1) permits personnel from the World Health Organization and the Centers for Disease Control and Prevention to investigate outbreaks of infectious diseases within the borders of such country; and

(2) provides pathogen surveillance data to the appropriate agencies and departments of the United States and to international health organizations.

(b) WAIVER.—The Secretary may waive the prohibition set out in subsection (a) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

SEC. 5. RESTRICTION.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, no foreign national participating in a program authorized under this Act shall have access, during the course of such participation, to a select agent or toxin described in section 73.4 of title 42, Code of Federal Regulations (or any corresponding similar regulation) or an overlap select agent or toxin described in section 73.5 of such title (or any corresponding similar regulation) that may be used as, or in, a biological weapon, except in a supervised and controlled setting.

(b) RELATIONSHIP TO REGULATIONS.—The restriction set out in subsection (a) may not be construed to limit the ability of the Secretary of Health and Human Services to prescribe, through regulation, standards for the handling of a select agent or toxin or an overlap select agent or toxin described in such subsection.

SEC. 6. FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—There is established a fellowship program under which the Secretary, in consultation with the Secretary of Health and Human Services and subject to the availability of appropriations, shall award fellowships to eligible nationals to pursue public health education or training, as follows:

(1) MASTER OF PUBLIC HEALTH DEGREE.—Graduate courses of study leading to a master of public health degree with a concentration in epidemiology from an institution of higher education in the United States with a Center for Public Health Preparedness, as determined by the Director of the Centers for Disease Control and Prevention.

(2) ADVANCED PUBLIC HEALTH EPIDEMIOLOGY TRAINING.—Advanced public health training in epidemiology for public health professionals from eligible developing countries to be carried out at the Centers for Disease Control and Prevention, an appropriate facility of a State, or an appropriate facility of another agency or department of the United States (other than a facility of the Department of Defense or a national laboratory of the Department of Energy) for a period of not less than 6 months or more than 12 months.

(b) SPECIALIZATION IN BIOTERRORISM.—In addition to the education or training specified in subsection (a), each recipient of a fellowship under this section (in this section referred to as a ''fellow'') may take courses of study at the Centers for Disease Control and Prevention or at an equivalent facility on diagnosis and containment of likely bioterrorism agents.

(c) FELLOWSHIP AGREEMENT.—

(1) IN GENERAL.—A fellow shall enter into an agreement with the Secretary under which the fellow agrees—

(A) to maintain satisfactory academic progress, as determined in accordance with regulations issued by the Secretary and confirmed in regularly scheduled updates to the Secretary from the institution providing the education or training on the progress of the fellow's education or training;

(B) upon completion of such education or training, to return to the fellow's country of nationality or last habitual residence (so long as it is an eligible developing country) and complete at least 4 years of employment in a public health position in the government or a nongovernmental, not-for-profit entity in that country or, with the approval of the Secretary, complete part or all of this requirement through service with an international health organization without geographic restriction; and

(C) that, if the fellow is unable to meet the requirements described in subparagraph (A) or (B), the fellow shall reimburse the United States for the value of the assistance provided to the fellow under the fellowship program, together with interest at a rate that—

(i) is determined in accordance with regulations issued by the Secretary; and

(ii) is not higher than the rate generally applied in connection with other Federal loans.

(2) WAIVERS.—The Secretary may waive the application of subparagraph (B) or (C) of paragraph (1) if the Secretary determines that it is in the national interest of the United States to provide such a waiver.

(d) AGREEMENT.—The Secretary, in consultation with the Secretary of Health and Human Services, is authorized to enter into an agreement with the government of an eligible developing country under which such government agrees—

(1) to establish a procedure for the nomination of eligible nationals for fellowships under this section;

(2) to guarantee that a fellow will be offered a professional public health position within the developing country upon completion of the fellow's studies; and

(3) to submit to the Secretary a certification stating that a fellow has concluded the minimum period of employment in a public health position required by the fellowship agreement, including an explanation of how the requirement was met.

(e) PARTICIPATION OF UNITED STATES CITIZENS.—On a case-by-case basis, the Secretary may provide for the participation of a citizen of the United States in the fellowship program under the provisions of this section if—

(1) the Secretary determines that it is in the national interest of the United States to provide for such participation; and

(2) the citizen of the United States agrees to complete, at the conclusion of such participation, at least 5 years of employment in a public health position in an eligible developing country or at an international health organization.

(f) USE OF EXISTING PROGRAMS.—The Secretary, with the concurrence of the Secretary of Health and Human Services, may elect to use existing programs of the Department of Health and Human Services to provide the education and training described in subsection (a) if the requirements of subsections (b), (c), and (d) will be substantially met under such existing programs.

SEC. 7. IN-COUNTRY TRAINING IN LABORATORY TECHNIQUES AND DISEASE AND SYNDROME SURVEILLANCE.

(a) LABORATORY TECHNIQUES.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense, and subject to the availability of appropriations, shall provide assistance for short training courses for eligible nationals who are laboratory technicians or other public health personnel in laboratory techniques relating to the identification, diagnosis, and tracking of pathogens responsible for possible infectious disease outbreaks.

(2) LOCATION.—The training described in paragraph (1) shall be held outside the United States and may be conducted in facilities of the Centers for Disease Control and Prevention located in foreign countries or in Overseas Medical Research Units of the Department of Defense, as appropriate.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international health organizations.

(b) DISEASE AND SYNDROME SURVEILLANCE.—

(1) IN GENERAL.—The Secretary, after consultation with the Secretary of Health and Human Services and in conjunction with the Director of the Centers for Disease Control and Prevention and the Secretary of Defense and subject to the availability of appropriations, shall establish and provide assistance for short training courses for eligible nationals who are health care providers or other public health personnel in techniques of disease and syndrome surveillance reporting and rapid analysis of syndrome information using Geographic Information System (GIS) tools.

(2) LOCATION.—The training described in paragraph (1) shall be conducted via the Internet or in appropriate facilities located in a foreign country, as determined by the Secretary.

(3) COORDINATION WITH EXISTING PROGRAMS.—The Secretary shall coordinate the training described in paragraph (1), where appropriate, with existing programs and activities of international regional and international health organizations.

SEC. 8. ASSISTANCE FOR THE PURCHASE AND MAINTENANCE OF PUBLIC HEALTH LABORATORY EQUIPMENT AND SUPPLIES.

(a) AUTHORIZATION.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the public health laboratory equipment and supplies described in subsection (b).

(b) EQUIPMENT AND SUPPLIES COVERED.—The equipment and supplies described in this subsection are equipment and supplies that are—

(1) appropriate, to the extent possible, for use in the intended geographic area;

(2) necessary to collect, analyze, and identify expeditiously a broad array of pathogens, including mutant strains, which may cause disease outbreaks or may be used in a biological weapon;

(3) compatible with general standards set forth by the World Health Organization and, as appropriate, the Centers for Disease Control and Prevention, to ensure interoperability with international regional and international public health networks; and

(4) not defense articles, defense services, or training, as such terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of equipment or supplies that, if made in the United States, would be subject

to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds authorized under subsection (a), preference should be given to the purchase of equipment and supplies of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) COUNTRY COMMITMENTS.—The assistance provided under this section for equipment and supplies may be provided only if the eligible developing country that receives such equipment and supplies agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and supplies.

SEC. 9. ASSISTANCE FOR IMPROVED COMMUNICATION OF PUBLIC HEALTH INFORMATION.

(a) ASSISTANCE FOR PURCHASE OF COMMUNICATION EQUIPMENT AND INFORMATION TECHNOLOGY.—The President is authorized to provide, on such terms and conditions as the President may determine, assistance to eligible developing countries to purchase and maintain the communications equipment and information technology described in subsection (b), and the supporting equipment, necessary to effectively collect, analyze, and transmit public health information.

(b) COVERED EQUIPMENT.—The communications equipment and information technology described in this subsection are communications equipment and information technology that—

(1) are suitable for use under the particular conditions of the area of intended use;

(2) meet the standards set forth by the World Health Organization and, as appropriate, the Secretary of Health and Human Services, to ensure interoperability with like equipment of other countries and international organizations; and

(3) are not defense articles, defense services, or training, as those terms are defined in the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to exempt the exporting of goods and technology from compliance with applicable provisions of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(d) LIMITATION.—Amounts appropriated to carry out this section shall not be made available for the purchase from a foreign country of communications equipment or information technology that, if made in the United States, would be subject to the Arms Export Control Act (22 U.S.C. 2751 et seq.) or likely be barred or subject to special conditions under the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.).

(e) PROCUREMENT PREFERENCE.—In the use of grant funds under subsection (a), preference should be given to the purchase of communications equipment and information technology of United States manufacture. The use of amounts appropriated to carry out this section shall be subject to section 604 of the Foreign Assistance Act of 1961 (22 U.S.C. 2354).

(f) ASSISTANCE FOR STANDARDIZATION OF REPORTING.—The President is authorized to provide, on such terms and conditions as the President may determine, technical assistance and grant assistance to international health organizations to facilitate standardization in the reporting of public health information between and among developing countries and international health organizations.

(g) COUNTRY COMMITMENTS.—The assistance provided under this section for communications equipment and information technology may be provided only if the eligible developing country that receives such equipment and technology agrees to provide the infrastructure, technical personnel, and other resources required to house, maintain, support, secure, and maximize use of such equipment and technology.

SEC. 10. ASSIGNMENT OF PUBLIC HEALTH PERSONNEL TO UNITED STATES MISSIONS AND INTERNATIONAL ORGANIZATIONS.

(a) IN GENERAL.—Upon the request of the chief of a diplomatic mission of the United States or of the head of an international regional or international health organization, and with the concurrence of the Secretary and of the employee concerned, the head of an agency or department of the United States may assign to the mission or the organization any officer or employee of the agency or department that occupies a public health position within the agency or department for the purpose of enhancing disease and pathogen surveillance efforts in developing countries.

(b) REIMBURSEMENT.—The costs incurred by an agency or department of the United States by reason of the detail of personnel under subsection (a) may be reimbursed to that agency or department out of the applicable appropriations account of the Department of State if the Secretary determines that the agency or department may otherwise be unable to assign such personnel on a non-reimbursable basis.

SEC. 11. EXPANSION OF CERTAIN UNITED STATES GOVERNMENT LABORATORIES ABROAD.

(a) IN GENERAL.—Subject to the availability of appropriations, the Director of the Centers for Disease Control and Prevention and the Secretary of Defense shall each—

(1) increase the number of personnel assigned to laboratories of the Centers for Disease Control and Prevention or the Department of Defense, as appropriate, located in eligible developing countries that conduct research and other activities with respect to infectious diseases; and

(2) expand the operations of such laboratories, especially with respect to the implementation of on-site training of foreign nationals and activities affecting the region in which the country is located.

(b) COOPERATION AND COORDINATION BETWEEN LABORATORIES.—Subsection (a) shall be carried out in such a manner as to foster cooperation and avoid duplication between and among laboratories.

(c) RELATION TO CORE MISSIONS AND SECURITY.—The expansion of the operations of the laboratories of the Centers for Disease Control and Prevention or the Department of Defense located in foreign countries under this section may not—

(1) detract from the established core missions of the laboratories; or

(2) compromise the security of those laboratories, as well as their research, equipment, expertise, and materials.

SEC. 12. ASSISTANCE FOR INTERNATIONAL HEALTH NETWORKS AND EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.

(a) AUTHORITY.—The President is authorized, on such terms and conditions as the President may determine, to provide assistance for the purposes of—

(1) enhancing the surveillance and reporting capabilities for the World Health Organization and existing international regional and international health networks; and

(2) developing new international regional and international health networks.

(b) EXPANSION OF FIELD EPIDEMIOLOGY TRAINING PROGRAMS.—The Secretary of Health and Human Services is authorized to establish new country or regional international Field Epidemiology Training Programs in eligible developing countries.

SEC. 13. FOREIGN BIOLOGICAL THREAT DETECTION AND WARNING.

(a) IN GENERAL.—The President shall establish the Office of Foreign Biological Threat Detection and Warning within either the Department of Defense, the Central Intelligence Agency, or the Centers for Disease Control and Prevention with the technical ability to conduct event detection and rapid threat assessment related to biological threats in foreign countries.

(b) PURPOSES.—The purposes of the Office of Foreign Biological Threat Detection and Warning shall be—

(1) to integrate public health, medical, agricultural, societal, and intelligence indications and warnings to identify in advance the emergence of a transnational biological threat;

(2) to provide rapid threat assessment capability to the appropriate agencies or departments of the United States that is not dependent on access to—

(A) a specific biological agent;

(B) the area in which such agent is present; or

(C) information related to the means of introduction of such agent; and

(3) to build the information visibility and decision support activities required for appropriate and timely information distribution and threat response.

(c) TECHNOLOGY.—The Office of Foreign Biological Threat Detection and Warning shall employ technologies similar to, but no less capable than, those used by the Intelligence Technology Innovation Center (ITIC) within the Directorate of Science and Technology of the Central Intelligence Agency to conduct real-time, prospective, automated threat assessments that employ social disruption factors.

(d) EVENT DETECTION DEFINED.—In this section, the term ''event detection'' refers to the real-time and rapid recognition of a possible biological event that has appeared in a community and that could have national security implications, regardless of whether the event is caused by natural, accidental, or intentional means and includes scrutiny of such possible biological event by analysts utilizing classified and unclassified information.

SEC. 14. REPORTS.

Not later than 90 days after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Health and Human Services and the Secretary of Defense, shall submit to Congress a report on the implementation of programs under this Act, including an estimate of the level of funding required to carry out such programs at a sufficient level.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (c), there is authorized to be appropriated for fiscal year 2006 such sums as may be necessary to carry out this Act.

(b) AVAILABILITY OF FUNDS.—The amount appropriated pursuant to subsection (a) is authorized to remain available until expended.

(c) LIMITATION ON OBLIGATION OF FUNDS.—Not more than 10 percent of the amount appropriated pursuant to subsection (a) may be obligated before the date on which a report is submitted, or required to be submitted, whichever first occurs, under section 14.

By Ms. LANDRIEU:

S. 2171. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU:

S. 2172. A bill to provide for response to Hurricane Katrina by establishing a Louisiana Recovery Corporation, providing for housing and community rebuilding, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I will speak just for a moment about each of these important measures. Before I do, I know today has been a long day, and it has been complicated by many procedural votes and a series of bills that we just passed out of here, many important bills. Of course, the Defense appropriations, Defense authorization bill, two of the major bills that Congress works on throughout the year, and it is important we get them through.

On the Defense appropriations bill, as it was amended, there was a very important piece for the gulf coast, $29 billion direct relief package. I will speak just for a moment about that because it has bearing on what we are going to do in the future when we are faced with catastrophic events.

Senator VITTER and I, my colleague from Louisiana, returned to the Congress over 4 months ago to try to describe to our colleagues the devastation that occurred with not one but two hurricanes and then multiple levee breaks which have devastated a major American city and a region, the southern part of Louisiana and Mississippi.

I have said now on many occasions that FEMA, on its best day, is not adequate to address the emergency and enormous needs of the people who have been affected: their need for housing, their need for employment, their need for capital, their need for emotional security, their need for public infrastructure, their need for police, their need for firefighters, their need for health care, their need for education.

I cannot even describe the tremendous angst, anxiety, and despair setting in on many communities in the gulf coast region because help has been slow in coming. And when it has been offered, it has been inadequate to address the situation we find ourselves in.

I do not know if we have ever considered what needs to be done when we have a catastrophic incident such as we had. So we are going to come back after the recess and I hope talk about how FEMA can be restructured, how it can be made to be more efficient, how it can be made to be more accountable, how it can be made to act more quickly. But we are also going to need some additional tools.

That is what the two bills address I have introduced tonight as a companion to a House bill that was introduced and has been worked on very diligently by my colleague Congressman RICHARD BAKER from Baton Rouge, who is the ranking member on the Banking Committee in the House. He has done some excellent work on this bill and has moved it out of the House committee. It establishes a brand new corporation that can step in. It would be established by appointment by the President and by the Governor, with seven members, to establish a corporation that could then access the capital markets by issuing bonds, to step up and into the gulf coast area to work with our local officials, to work with the officials at the city level, at the parish level, to provide opportunities, to provide equity for homeowners who find themselves with homes that are uninhabitable, with mortgages that need to be paid and no possible way to sell their property because it is of questionable value, given the situation.

We are very fortunate in America that we have not had to face these tragedies very often, and this is the first time we faced a tragedy of this magnitude. Mr. President, 275,000 homes destroyed, 10 times the amount of homes destroyed by Hurricane Andrew in 1992. Mr. President, 28,000 homes were destroyed in the worst disaster before we faced Rita and Katrina. But with 275,000 homes destroyed, clearly, we have to do more than send money through FEMA.

Money is not the only answer for the challenges before us. So we need new tools. That is why I have come to the Senate tonight to introduce, after a long day, a bill that was crafted in the House by Congressman BAKER, amended through input from a variety of his colleagues in the House, input from myself and some Senators in anticipation of the bill moving over here, and have had a verbal commitment from Senator SHELBY, the chairman of the Banking Committee, and very positive comments from Democrats on the Banking Committee that we could have an expedited hearing on this bill when we return.

Because even with the $29 billion in direct aid that is included in the Defense appropriations bill, I can promise my colleagues, to stand up the great city of New Orleans and the region and the gulf coast is going to take more than FEMA, more than direct aid through community development block grants and aid to our schools and universities and hospitals. It is going to take some new tools we are going to have to invent, we are going to have to place into a toolbox and then give out to local elected officials, to business leaders, to community organizations, to rebuild this great community.

But the great opportunity is, if we can invent these tools, and we can design them appropriately, they will then be available for us in the event a catastrophe such as this or something similar strikes again, whether it is an earthquake in San Francisco, massive tornadoes in the Midwest or, God forbid, a terror strike that would decimate or destroy a population or vast area such as we are experiencing from a hurricane and levee breaks in New Orleans.

There is all this work we can do on this housing corporation bill when we get back. I urge my colleagues' involvement because of the extraordinary need, as outlined and expressed so beautifully by Senator STEVENS' remarks toward the end of this evening about how he was so emotionally taken aback by what he saw in New Orleans. I can most certainly understand it. Senator VITTER and I have been living that as we have moved through New Orleans and the region and all through south Louisiana, and share his view that more has to be done.

So these two bills that I introduce—one is a companion bill to Congressman BAKER's bill with some important, I think, improvements or important amendments. One is to ensure a strong local input through local advisory committees, appointed by parish governments and municipalities. Also there is an underlining or emphasis, if you will, that the corporation must comply with State and local planning ordinances and direction.

This Senate version will also increase the potential equity recovery from 60 percent to 80 percent and will increase the potential cap of recovery from $500,000 to $750,000. We also put something in this bill to try to give corporate or commercial property owners some relief.

So between the Baker bill in the House, which needs to continue to move through the process, and this bill which will get, hopefully, some expedited hearings when we return, hopefully, we can quickly put into the hands of our communities, our large cities, our suburban areas, our rural areas, and individual property owners—who have seen in the last 4 months everything they have worked for in their life, perhaps even a little bit they were able to inherit, and all they hoped to pass on to their children or their grandchildren gone, without a whole lot of options for recovery—assistance.

We have every intention to rebuild our city and to rebuild our region. Just as if there were an earthquake in San Francisco, I don't think Congress would suggest that the millions of people who live there should simply pick up and move to New York and abandon the city of San Francisco, we have no intention of abandoning the city of New Orleans. We may lie 5 feet below sea level, but let me assure you, there are places in this world that are as or more productive than this region that lie 20 feet below sea level and manage their water properly and invest in their civil works properly in a way we could model ourselves after and do very well.

The city of New Orleans and the State of Louisiana have contributed billions of dollars to the economy of this Nation and to the general fund of

this Nation, and we want to continue to do so. We are not asking for a handout but a hand up. We are not asking for charity. We are asking for a portion of the taxes we pay, a portion of the money we send to the national Government, to be redirected, to give us the security for our coast and our hurricane protection that we warrant and the industries this infrastructure protects warrant for the benefit of not just the 4.5 million people who live in the State of Louisiana, and the 3 million-plus people who live in Mississippi, but which protect and support the almost 300 million people who live in the United States of America.

So these two bills are very important. I look forward to working on them when we get back.

The second bill is a bill where we picked up an idea from the New York situation, 9/11—a terrible situation that is still seared into our memory and our collective conscience.

There were some real problems with housing following the destruction of that neighborhood. This second bill I have introduced would allow FEMA to extend some of their rental and housing programs to give some immediate help to families who find themselves unable to recover their equity for whatever reason out of the houses they have that are uninhabitable but who have to find a decent place to live so they can rebuild and regroup. That bill will address that situation.

Mrs. CLINTON. Mr. President, I rise today to introduce legislation that will help ensure beneficiaries who are eligible for both Medicare and Medicaid, the so-called ''dual-eligibles,'' make a smooth and successful transition from Medicaid prescription drug coverage to Medicare Part D.

The 6.4 million seniors and disabled Americans who are dually eligible are the most vulnerable members of an already vulnerable population. They are the poorest of the elderly, with incomes of less than $10,000 per year. And they are the sickest of the elderly, with approximately 25 percent residing in a long-term care facility. They have significant health care needs, have often been diagnosed with multiple chronic conditions, and are in greatest danger of being affected by poor implementation of Medicare's new prescription drug benefit.

On November 15, beneficiaries began signing up for Medicare Part D prescription drug plans, and on January 1, the drug benefit actually begins. But this date does not only mark the beginning of a new Medicare drug benefit. For the 6.4 million dual eligibles, January 1 is also the day that they stop receiving a Medicaid drug benefit.

I voted against the Medicare bill when it was before the Senate in 2003 and we are all well aware of the many flaws and shortcomings: the insurance company slush fund, the ''donut hole,'' the prohibition on the Government negotiating for lower drug costs and on the safe importation of prescription medications, among others.

But the short timeframe in which dual eligibles have to complete this transition is one of the most worrisome.

There are only 6 weeks between the time when seniors began signing up for the new drug plans, and the date when Medicaid coverage ceases. That means that dual eligibles—the poorest and sickest portion of the Medicare population—have very little time in which to accurately balance the benefits and drawbacks of their prescription drug plan choices.

We're giving most seniors 6 months to consider their options of a prescription drug plan, but we're giving the most vulnerable only 6 weeks.

While it would be my preference that the existence of a Medicaid drug benefit be extended beyond January 1 to provide adequate time for the transition, Republicans in Congress have blocked legislation that would do this, leaving these individuals without coverage if their transition from Medicaid to Medicare doesn't happen before the end of the year.

In response to the concern over the short implementation period, CMS announced that it will automatically enroll dual eligibles in a randomly chosen prescription drug plan by January 1, 2006.

CMS reports that at the end of November they had automatically enrolled over 5 million of the 6.4 million dually eligible beneficiaries in a Medicare Part D plan. But this leaves more than 1 million of our poorest and sickest vulnerable to falling through the cracks if they are not enrolled in a Medicare Part D plan in the next several weeks.

CMS Administrator Mark McClellan has himself said that some dual eligibles may not be auto-enrolled before January 1, when their Medicaid drug benefit ceases to exist. In fact, if CMS is able to auto-enroll 95 percent of all dual eligibles, more than 300,000 would still be left without prescription drug coverage and access to critical medications. At 98 percent enrollment, almost 130,000 would be left without coverage. These are unacceptable numbers.

In light of growing concern that some dual eligible beneficiaries will arrive at their pharmacy counter on January 1 without coverage, CMS has announced a procedure to allow pharmacies to fill the prescription and a contractor to follow up with the beneficiary to facilitate enrollment in a Part D plan.

While I am glad that CMS has taken this step, I am concerned that pharmacies will not be aware of this option and some beneficiaries will still fall through the cracks.

In addition, pharmacies will be charged a transaction fee if they use this procedure and electronically inquire about the status of a beneficiary that comes to their pharmacy counter and isn't sure what coverage they have or if they have coverage at all.

The legislation I am introducing today aims to address this problem. The Medicare Dual Eligible Identification and Enrollment Facilitation Act would require outreach and education to pharmacies, particularly independent pharmacies, and a hold harmless provision for transaction fees that pharmacies incur when they use this procedure.

It is critical that we do everything we can to ensure that our most vulnerable seniors do not fall through the cracks and the pharmacies across the country are now our last line of defense. Helping them help these beneficiaries and eliminating fees they incur for doing so are simple but critical steps we should take to ensure that not a single dual eligible beneficiary is left without prescription drug coverage.

I urge speedy passage of the Medicare Dual Eligible Identification and Enrollment Facilitation Act.

By Mr. KENNEDY (for himself, Mr. ROCKEFELLER, and Mr. REID):

S. 2175. A bill to require the submittal to Congress of any Presidential Daily Briefing relating to Iraq during the period beginning on January 20, 1997, and ending on March 19, 2003; to the Select Committee on Intelligence.

S. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUBMITTAL TO CONGRESS OF CERTAIN PRESIDENTIAL DAILY BRIEFINGS ON IRAQ.

(a) IN GENERAL.—The Director of National Intelligence shall submit to the congressional intelligence committees any Presidential Daily Briefing (PDB), or any portion of a Presidential Daily Briefing, of the Director of Central Intelligence during the period beginning on January 20, 1997, and ending on March 19, 2003, that refers to Iraq or otherwise addresses Iraq in any fashion.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 342—RECOGNIZING THE REPUBLIC OF CROATIA FOR ITS PROGRESS IN STRENGTHENING DEMOCRATIC INSTITUTIONS, RESPECT FOR HUMAN RIGHTS, AND THE RULE OF LAW AND RECOMMENDING THE INTEGRATION OF CROATIA INTO THE NORTH ATLANTIC TREATY ORGANIZATION

Mr. VOINOVICH (for himself, Mr. HAGEL, and Mr. BIDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 342

Whereas the United States recognized the Republic of Croatia on April 7, 1992, acknowledging the decision of the people of Croatia